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Delaware. Senate.

MINUTES

OF

THE COUNCIL

OF THE

DELAWARE STATE,

FROM 1776 TO 1792.

PUBLISHED BY AUTHORITY OF THE
GENERAL ASSEMBLY.

1886:
JAMES KIRK & SON, PRINTERS,
DOVER, DELAWARE.

Checked
May 15

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ASTOR, LENOX AND
TILDEN FOUNDATIONS
1901

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PREFACE.

At the biennial session of the General Assembly of the State of Delaware, convened and held at Dover on the sixth day of January, A. D. 1885, being the first Tuesday of January in the aforesaid year, the following Joint Resolution was duly adopted, viz:

Joint Resolution in relation to certain Books in the Library.

WHEREAS there are now in the State Library of this State three volumes of the Minutes of the Council of this State, in manuscript, showing proceedings of said council from the year A. D. 1776 to the year 1792 inclusive; and whereas said volumes contain much valuable information which should be preserved, and are of much value to the State, and age has already rendered much of the writing imperfect; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a committee of two on the part of the Senate and three on the part of the House be appointed to have said volumes printed properly for the use of this State.

Adopted at Dover, April 1, 1885.

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Pursuant to provisions of this joint resolution the following named members of the respective houses were appointed as the members of the Joint Committee therein provided for, viz :

Hon. Wilson T. Cavender,
Hon. Hugh Martin,
On the part of the Senate.

Hon. Jacob H. Adams,
Hon. C. Gundy Brown,
Hon. Enoch Moore,
On the part of the House of Representatives.

The said committee, in order to carry into effect the provisions of the said joint resolution, met in the State Library, at Dover, on Thursday, September 3d, 1885.

Present — Senators Cavender and Martin ; Representatives Brown and Moore. Mr. Adams, of the House, being absent.

The committee proceeded to organize.

On motion of Senator Cavender, Senator Martin was elected Chairman.

On motion of Mr. Moore, Samuel D. Truitt, State Librarian, was elected Secretary.

The Chairman was authorized to have the manuscript copy of the Minutes of the Council properly transcribed and arranged, preparatory to having the same printed, the compensation for the work to be fixed by the committee.

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The committee then adjourned, subject to the call of the Chairman.

On Monday, March 29th, 1886, the committee reassembled at the call of the Chairman. Present, all the members except Mr. Adams, of the House.

The transcript directed to be made at the last meeting was presented and accepted.

On motion of Mr. Brown, it was ordered that 150 copies of the Minutes of the Council be printed and bound.

Senator Cavender offered a resolution, which, on his motion, was read, as follows:

Resolved, That the Secretary be authorized to advertise, for three issues, in one newspaper of each county of the State, for sealed proposals for printing, binding and delivering one hundred and fifty copies of the Minutes of the Council of the State of Delaware, from 1776 to 1792. Said minutes to be printed on fifty pound paper, and in accordance with Section 4 of Chapter 4 of the Revised Code, and to be bound in law sheep. Bids to be received up to Wednesday, April 21st, next, the Committee reserving the right to reject any and all bids.

And, on his further motion, the resolution was adopted.

The committee then adjourned until Wednesday, April 7th, next.

On Wednesday, April 7th, the Committee reassembled according to adjournment.

Present, all the members except Senator Cavender.

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No business was transacted except settlement of the account for transcribing minutes.

Adjourned subject to call of Chairman.

On Wednesday, April 21st, the committee met. Present, all the members except Senator Cavender.

The committee received the proposals for printing and binding the Minutes of the Council.

On motion of Mr. Moore, the contract was awarded to James Kirk & Son, at 88 cents per page.

On motion, the committee adjourned.

SAMUEL D. TRUITT,

Secretary.

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MINUTES OF COUNCIL.

OCTOBER, 1776.

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MINUTES OF THE COUNCIL

OF THE DELAWARE STATE.

NEW-CASTLE-ON-DELAWARE,
MONDAY, October 28th, 1776.

At a meeting of the Council, one of the branches of the Legislature for the Delaware State, it appears, by the returns of the Sheriffs and Inspectors of the Counties of New Castle, Kent and Sussex, that on the 21st day of October, instant, at the usual places of election for the said counties, the following gentlemen were chosen members thereof, with the number of votes annexed and following each name, to wit:

FOR NEW CASTLE COUNTY.

George Read, with 280 votes.
Nicholas Vandyke, with 246 votes.
Richard Cantwell, with 244 votes.

FOR KENT COUNTY.

Thomas Collins, with 645 votes.
James Sykes, with 642 votes.
Richard Bassett, with 639 votes.

FOR SUSSEX COUNTY.

John Wiltbank, with 542 votes.
William Polk, with 541 votes.
Daniel Dingee, with 541 votes.

And the names being called over, they all appeared except Richard Cantwell, Esq.

Council adjourned till to-morrow, 3 o'clock P. M.

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TUESDAY, P. M., October 29th, 1776.

Council met. Present all the members, who proceeded to the choice of a Speaker, when George Read was unanimously chosen.

The Speaker in the Chair, Mr. Slator Clay was appointed Clerk and Robert Booth Doorkeeper.

Then the Speaker in the Chair, and afterwards all the members, took and subscribed the oath, etc., and the declaration prescribed by the Constitution or system of government formed by the late Convention for this State.*

On motion,

Resolved, That a quorum of this Council shall consist of five members, including the Speaker.

On motion,

Ordered, That Messrs. Bassett and Vandyke be a committee

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* The oath, &c., here mentioned is given in a subjoined "Qualification Book," with the signatures of the members appended thereto, and is as follows:

I [A. B.] will bear true allegiance to the Delaware State, submit to its Constitution and Laws, and do no act, wittingly, whereby the freedom thereof may be prejudiced.

I [A. B.] do profess faith in God the Father, and in Jesus Christ his only Son, and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.

GEO. READ, *Speaker*.
NICH'S VANDYKE.
R'D CANTWELL.
THOS. COLLINS.
JAMES SYKES.
RICHARD BASSETT.
JOHN WILTBANK.
WM. POLK.
DAN. DINGEE.

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to report a set of Rules for conducting the business of this Council.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., October 30th, 1776.

Council met. Present all the members.

Slator Clay attended and took and subscribed a qualification for the faithful execution of the office of Clerk of this Council, and that he will not disclose or reveal the secrets thereof.*

The committee appointed to report a set of Rules for conducting the business of this Council brought in their report, which, by order, was read and agreed to, and follows in these words, to wit:

RULES TO BE OBSERVED BY MEMBERS OF COUNCIL DURING THE SITTING THEREOF.

1. That all members of Council shall appear at the calling over their respective names at every adjournment.

2. That no member of Council shall be allowed to speak to any one matter or thing above three times, without license from the Speaker first had and obtained, and that no member presume to speak in the House sitting, but direct his discourse to the Speaker standing.

3. That no member of Council shall presume to speak or interrupt any other member whilst he is speaking.

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*The oath here mentioned is given in the "Book of Qualifications," as follows:

I, Slator Clay, do swear that I will faithfully, according to the best of my abilities, perform the office of Clerk of the Council of the Delaware State, and that I will not disclose or reveal the secrets thereof.

SLATOR CLAY.

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4. That no member go out of the House during the sitting thereof and continue thereout above the space of half an hour without leave first had and obtained.

5. That where any question is put in Council that may cause a debate, the names of the members who are for the affirmative, and also those who are for the negative, be set down at large on the minutes, being first moved for by one or more of the members thereof.

The Speaker laid on the table a letter addressed from the Honorable John Hancock, Esq., President of Congress, inclosing sundry resolutions respecting the augmentation and reënlistment of the Continental army during the war, which were read and laid on the table for consideration.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

Council met. Present all the members.

A committee from the House of Assembly, attending at the door, were admitted and delivered the following verbal message, to wit:

That the House of Assembly requested the Council to appoint a committee to confer with a committee of their House on the subject matter of making a Great Seal for this State, and withdrew.

The Council, taking the same into consideration,

Resolved, That Messrs. Sykes and Vandyke be appointed a committee from this House to confer with the committee of the House of Assembly on the subject of forming a device and making a Great Seal for this State.

Ordered, That Mr. Bassett wait on the House of Assembly and inform them of the said appointment.

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Mr. Bassett, being returned, reported that he had waited on the House of Assembly, according to order, and informed them of the same appointment.

The Council entered upon the consideration of the letter from the President of Congress and the resolutions inclosed therewith, and thereupon

Resolved, That the following message be transcribed, signed by the Speaker, and sent to the House of Assembly, that is to say:

Gentlemen:

A letter from the Honorable Mr. Hancock, as President of the Congress, inclosing sundry resolutions of that body respecting the augmentation and reënlistment of the Continental army during the continuance of the war, being laid before us, we think it our duty to give you this immediate information thereof, sending herewith the letter and its inclosures, and as this business is of the greatest importance, we wish that it might be proceeded upon in the most effectual and expeditious way, and therefore propose to your honorable House the appointment of committees by both houses to confer upon the subject matter of the said letter and resolutions of Congress, who may severally report upon this business.

Ordered, That Mr. Collins wait on the House of Assembly with this message and the President's letter with its inclosures.

A committee from the House of Assembly, attending, were admitted and delivered the following verbal message, that is to say:

That Messrs. McKean, Cook and Robinson were appointed a committee by the House of Assembly to confer with the committee of Council on the forming a device and making a Great Seal for this State, and that they were then ready to attend the conference.

Adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, October 31st, 1776.

The Council met. Present all the members.

Mr. Collins reported that he had waited on the House of Assembly and delivered the message aforesaid, with the President of Congress's letter and its inclosures, according to order.

A member from the House of Assembly, attending at the door, was admitted and delivered a written message from that House, as follows, to wit:

"*Gentlemen:*

"This house has taken into consideration your message relating "to the inlistment of a Battalion in this State to continue in the "service of the United States of America during the present "war, together with the letter from the President of the Congress "and its inclosures, and thereupon appointed Messrs. Robinson, "Ridgely and McKean a committee to confer with a committee "of your honorable House on the subject matter thereof, at such "time and place as your House shall appoint."

And the same being taken into consideration,

Ordered, That Messrs. Sykes, Vandyke and Collins be a committee to confer with the committee appointed by the House of Assembly on the subject matter of the message aforesaid, to meet at the house of Mr. Anderson this afternoon.

Ordered, That Mr. Vandyke wait on the House of Assembly and inform them of this appointment.

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, November 1st, 1776.

Council met. Present all the members.

Mr. Vandyke reported that he had waited on the House of Assembly, according to order, and informed them of the appointment of the committee of Council as aforesaid.

Some of the members desiring leave to attend committees, adjourned till to-morrow morning, 10 o'clock.

SATURDAY, November 2d, 1776.

Council met.

The committee appointed to confer with a committee of the House of Assembly respecting the raising of a Battalion from this State to serve in the Army of the United States of America during the present war, upon the terms mentioned in the resolutions of Congress, made their report, which, by order, was read the first time.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the resolutions of that House upon the report of their committee respecting the raising of the battalion aforesaid to serve during the present war, for the approbation and concurrence of the Council, which, by order, was read the first time.

On motion,

By special order, as well the report of the committee of Council as the resolutions of the House of Assembly aforesaid, were read

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second time, and, after some debate had thereon, the further consideration of the same was deferred till the afternoon.

The committee appointed to confer with a committee of Assembly on the subject matter of forming a device and making a Great Seal for this State, brought in their report, which, by order, was read the first time.

On application of Mr. Collins for leave of absence till Monday afternoon, the same was granted.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

Council met. Present all the members except Mr. Collins.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a resolution of that House upon the report of the committees of conference respecting the forming of a device and making a Great Seal for this State, which, by order, was read the first time.

On motion,

By special order, the same was read a second time and concurred in, and is in the words following, to wit:

"*Resolved*, That a committee of one member from each House "be appointed to procure, as soon as possible, a silver seal of "the diameter of three inches and of a circular form, and that "there be engraven "Britannia" on the right side thereof, and "on the left, opposite to her, "Liberty," (in the usual shapes) "with a label proceeding from Britannia to Liberty in these "words: "Go to America;" and that there be engraven on the "top, the shape of a book, having these words therein: "The

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"Bill of Rights;" and at the bottom another book having these "words therein: "The System of Government;" and that there "shall be an inscription round the same, near the edge or ex- "tremity thereof, in the words following, in capital letters: "'THE GREAT SEAL OF THE DELAWARE STATE,' "with the figures 1776.

"*Resolved*, That Mr. McKean be appointed on the part of this "House for the purpose above mentioned."

On motion,

Resolved, That Mr. Sykes be appointed on the part of the Council for the carrying the resolution aforesaid into execution.

Ordered, That Mr. Vandyke wait on the House of Assembly, with the concurrence of Council to their resolution, and inform that House of the appointment of Mr. Sykes to join with Mr. McKean in procuring the Great Seal for this State.

The Council resumed the consideration of the resolutions of the House of Assembly respecting the raising a battalion from this State to serve during the war in the army of the United States, and after some time spent therein it was deferred till Monday next.

Adjourned till Monday morning, 10 o'clock.

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MONDAY, November 4th, 1776.

Council met. Present all the members, except Messrs. Cantwell and Collins.

Mr. Vandyke reported that he had waited on the House of Assembly, according to order, and informed them of the appointment of Mr. Sykes to join Mr. McKean in procuring a Great Seal for this State.

The Council resumed the consideration of the resolutions of the House of Assembly respecting the raising a battalion from this State to serve during the war in the army of the United States, and divers amendments being proposed and agreed to, the same were transcribed.

Ordered, That Mr. Sykes wait on the House of Assembly with the said resolutions, and amendments proposed by this House, for their consideration and concurrence.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, November 5th, 1776.

Council met. Present all the members, except Mr. Cantwell and Mr. Collins.

Mr. Sykes reported that he had waited on the House of Assembly, according to order, with their resolutions respecting the raising a battalion from this State, and the amendments thereto proposed by this House for their consideration and concurrence.

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A member from the House of Assembly, attending at the door, was admitted and returned the amendments proposed by the Council to resolutions respecting the raising a battalion from this State, to all of which the House of Assembly agreed except those in the 4th resolution, to which that House proposed further amendments, and the same being taken into consideration were acceded to by the Council.

Whereupon Mr. Vandyke was ordered to wait on the House of Assembly with the concurrence of Council to the said resolutions, which are as follows, to wit:

"1. *Resolved*, That one battalion be enlisted from this State "to serve during the present war, agreeable to the resolutions of "Congress of the 16th of September last.

"2. That a member be appointed by each House to repair "forthwith to the camps in New York and New Jersey and in- "quire into the condition of the battalions there under the com- "mand of the Cols. Hazlet and Patterson, and obtain a list of "such officers in Col. Hazlet's Battalion as are willing to continue "in the service during the present war on the terms proposed by "Congress; and also a list of such officers in Col. Patterson's "Battalion as may be desirous of supplying vacancies, if any "such shall be.

"3. That the said two commissioners be instructed to consult "and advise with General Washington respecting the promotion "and appointments of officers in the battalion to be enlisted as "aforesaid.

"4. That the said commissioners be furnished with blank "commissions from Congress, and that they, having the appro- "bation of General Washington, may fill up the same with the "names of such officers as choose to continue in the service, "giving preference to the officers in Col. Hazlet's Battalion of "regulars, deficiencies to be made up out of the list of officers "belonging to Col. Patterson's Battalion.

"5. That the commissioners take the most speedy and ef- "fectual measures to procure the enlistment of such non-com- "missioned officers and privates in the two battalions aforesaid "as may be willing to engage in the service during the war on "the terms proposed by Congress.

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"6. That the said commissioners make particular inquiry into "the condition of the clothing, arms and blankets of the soldiers "belonging to the said battalions, and report the same to the "General Assembly as soon as possible.

"On motion,

"*Resolved*, That Col. Samuel West be appointed on the part "of this House a commissioner for the purposes aforesaid."

Adjourned till to-morrow, 10 o'clock.

WEDNESDAY, November 6th, 1776.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the orders and resolution following, to wit:

"On motion,

"*Ordered*, That Mr. Thompson, Mr. Lockwood and Mr. "Bradley be a committee to adjust and settle the accounts of the "Military Treasurers of the several counties in this State, and "report the same to this House.

"On motion,

"*Ordered*, That Messrs. Thompson, Lockwood and Bradley "be a committee to adjust and settle the pay and accounts of the "officers appointed in the [*said*] Third Battalion proposed to "have been raised in this State by the late convention thereof.

"*Resolved*, That the accounts of the signers of the last emis- "sion of paper currency, and of those persons who attended the "press, etc., be referred for adjustment to the above mentioned "committee.

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"*Ordered*, That Mr. Ridgely wait on the Council with a copy "of the above orders and resolution and propose to them the ap- "pointment of a committee of Council to join with the committee "of this House in the business aforesaid, if they think proper."

And the same being read and considered were concurred in, and thereupon Messrs. Sykes and Dingee were appointed to join the committee named by the House of Assembly in the settlements of the several accounts aforesaid, and that they report the same to this House.

The Council proceeded to the nomination of one of their members to repair to the camps in New York and New Jersey, agreeable to the resolutions of yesterday, when Lieut.-Col. Collins was unanimously appointed.

Ordered, That Mr. Wiltbank wait on the House of Assembly with a copy of the appointment of Col. Collins aforesaid, and also with the concurrence of Council to the foregoing resolution and orders of the House of Assembly.

Mr. Wiltbank reported that he had waited on the House of Assembly according to the order aforesaid.

A committee from the House of Assembly, attending at the door, were admitted, and delivered to the Chair a bill entitled

"An act to render certain bills of credit a legal tender within this State, and to prevent the counterfeiting of the same and other bills of credit."

Also, a "Bill for printing and emitting fifteen thousand pounds on bills of credit of this State, to be let out on loan; and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same."

Which, by order, were read the first time.

A committee from the House of Assembly, attending at the door, were admitted and delivered to the Chair the following propositions, to wit:

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"On motion,

"*Ordered*, That Messrs. Porter, Clarke and Hill be a committee "to wait on the Council and propose to them the appointment of "Delegates from this State to Congress, by joint ballot of both "Houses, as prescribed by the Constitution; and also the ap- "pointment of a Council of Safety for this State, to act during the "recess of the Legislature."

And the same being taken into consideration, the Council concurred in the first proposition, as to the appointment of delegates. As to the appointment of a Council of Safety,

Resolved, That the following message be transcribed, signed by the Speaker, and sent to the House of Assembly, viz:

Gentlemen:

The propositions delivered to us by your committee respecting the appointment of Delegates from this State to Congress by joint ballot, and also a Council of Safety, to act during the recess of the Legislature, were taken immediately under our consideration. As to the first, the Council have concurred; as to the last, to wit: the appointment of a Council of Safety, we could have wished that some reason had been assigned in the proposition to show the necessity of forming such a power upon our own authority. We can conceive a case that may justify such a measure, to wit: the adjournment of the General Assembly before the appointment of a President and Privy Council under the present Constitution. If this should be the intention of the House of Assembly, and their reason for proposing the appointment of a Council of Safety, we shall think it our duty to join in such a provision for the weal of the State in the recess of the General Assembly; therefore we wish to have this business explained.

Ordered that Mr. Polk wait on the House of Assembly with this message.

Mr. Polk returned and made report that he had delivered the message according to order.

Adjourned till 10 o'clock to-morrow morning.

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THURSDAY, November 7th, 1776.

Council met. Present all the members, except Mr. Cantwell.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the declaration of that House of their intention to adjourn before the appointment of a President and Privy Council, and such was their reason for proposing the appointment of a Council of Safety in the recess of the General Assembly.

Whereupon the Council concurred and agreed that the election of Delegates and a Council of Safety be had to-morrow, at three o'clock in the afternoon, in the State House.

On motion,

By order, the bill "to render certain bills of credit a legal tender within this State, and to prevent the counterfeiting of the same and other bills of credit,"

Was read the second time, and, after some debate, the same was agreed to.

Ordered, That Mr. Bassett wait on the House of Assembly with the said bill and inform them of the concurrence of the Council thereto.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

Council met. Present all the members, except Mr. Cantwell.

Mr. Bassett reported that he had waited on the House of Assembly and delivered the bill given him in charge in the forenoon, with the concurrence of Council thereto, according to order.

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A member from the House of Assembly, attending at the door, was admitted and informed the Council that the House of Assembly is now ready to proceed to the election of Delegates from this State to Congress, and also a Council of Safety, agreeable to the proposition concurred in by both Houses.

The Council and Assembly, being met in the State House, proceeded to the election of Delegates from this State to the Congress of the United States of America, by joint ballot, which being taken and examined, it appeared that

George Read, Esquire,
John Dickinson, Esquire,
and John Evans, Esquire,

were duly elected. And the ballots being taken for persons to compose a Council of Safety during the next recess of the General Assembly, and the same being examined, it appeared that the following persons were duly elected, to wit:

For New Castle County—James Latimer,
John McKinley,
Abram Robinson,
John Lea,
Nicholas Vandyke.

For Kent County—Cæsar Rodney,
James Sykes,
Thomas Collins,
John Banning,
Richard Bassett.

For Sussex County—David Hall,
Jacob Moore,
John Wiltbank,
John Rodney,
James Rench.

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, November 8th, 1776.

Council met. Present all the members.

On motion and order,

The bill "for printing and emitting fifteen thousand pounds in bills of credit of this State, to be let out on loan; and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same,"

Was read the second time, and divers amendments were proposed and agreed to.

Ordered, That Mr. Cantwell wait on the House of Assembly with the said bill and the amendments thereto proposed by this Council for their consideration and concurrence.

Mr. Cantwell reported that he had waited on the House of Assembly according to the order aforesaid.

The resolutions for raising a battalion in this State to serve during the war, and appointment of commissioners to carry the same into execution, being transcribed, were ordered to be signed by the Speaker and to be delivered to the said commissioners.

A member from the House of Assembly, attending at the door with a verbal message, was admitted and delivered the same, to wit:

That the House of Assembly acceded to the amendments proposed by this Council to the bill "for printing and emitting £15,000 in bills of credit of this State, to be let out on loan, &c.," and requests this Council to nominate three persons, in addition to those already named in the bill, to be signers of the said bills of credit.

Acceded to, and Mr. Sykes, Mr. Wiltbank and Mr. Jones are appointed as signers.

Ordered, That Mr. Vandyke wait on the House of Assembly and inform them of the above appointments.

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Mr. Vandyke reported that he had waited on the House of Assembly according to the order aforesaid.

A committee from the House of Assembly, attending at the door, were admitted and delivered to the Chair

A bill "for ascertaining the salaries and allowances to the officers and persons herein mentioned employed in the Government of this State, and for the providing funds for the payment thereof."

Which, by order, was read the first time.

On motion,

Ordered, That a certificate of the appointment of the Delegates to the Congress, as chosen yesterday in the General Assembly, expressing the powers they are to be invested with, be drawn up and sent to the House of Assembly for their concurrence; which being done at the table and transcribed, is as follows, to wit:

IN COUNCIL, November 8th, 1776.

WHEREAS George Read, John Dickinson and John Evans, Esquires, have been chosen by joint ballot of the two Houses of Assembly to represent the Delaware State in Continental Congress,

Resolved, That they, or any one or more of them, are hereby fully authorized and empowered for and in behalf of this State to concert, agree to, and execute any measure which they, or he, together with a majority of the Continental Congress shall judge necessary for the defense, security, interest and welfare of this State in particular and America in general; with power to adjourn to such times and places as shall appear most conducive to the public safety and advantage.

Ordered, That Mr. Vandyke wait on the House of Assembly and deliver the same for their concurrence; who, having returned, reported that he had delivered the same according to order.

Adjourned till to-morrow, 10 o'clock.

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SATURDAY, November 9th, 1776.

Council met. Present all the members.

The committee appointed to confer with a committee of Assembly to adjust and settle the accounts of the Military Treasurers of the several counties in this State, and to settle and adjust the pay and accounts of the officers appointed in the battalion ordered to be raised by the late Convention in September last in this State; likewise the accounts of the signers of the last emission of paper currency, and of those persons who attended the press, &c., brought in their report,

Which, by order, was read and ordered to lie on the table for consideration.

The Council being informed that the commissioners appointed to repair to the camps were ready to proceed as soon as the General Assembly should direct,

Ordered, That Mr. Dingee wait on the House of Assembly with a verbal message containing the following quares, to wit:

As the commissioners appointed to go to the camps should be furnished with some of the printed resolutions of Congress relating to the reënlistment of the army, and the blank commissions transmitted by the President of Congress:

Quare. If the House of Assembly are not in possession of both?

Quare. If the commissioners ought not to have a sum of money voted to them for the expenses of their journey?

Quare. If any one person is appointed by the House of Assembly to collect all the blankets, linens and woolen cloth, recommended by the Council of Safety, whose proceedings are before the House of Assembly, and to carry the same forward to the camps and there distribute to such as may want at first cost?

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The Council would have taken up this last business, but understood some directions had been given to individuals, and therefore avoided doing anything in it that might interfere with what the House of Assembly had done; and for this further reason, that a grant of money for the carrying it into execution would be necessary.

Mr. Dingee, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and proposed sundry amendments to the report of the committee appointed to confer with a committee of Assembly to adjust and settle the accounts of the Military Treasurers, &c., to wit:

As to Col. Collins, nothing allowed for the transportation, &c., of money.

As to Capt. Porter, forty shillings added, which was omitted by mistake of committee.

As to John Clowes, 40s. added.

And the same being taken into consideration,

Ordered that Mr. Bassett wait on the House of Assembly with the following verbal message, to wit:

The Council having considered the amendments proposed by the House of Assembly to the report of the Committee for Public Accounts, to wit:

The taking off £6 : 4 : 0 from the allowance made to Colonel Thos. Collins, for expenses attending the delivery of part of the bills of credit, lately signed by him; the addition of 40s. to the allowance made to Capt. Alex. Porter, and the addition of the like sum to Mr. John Clowes, for their attending the printing of the same bills of credit; as to the two last amendments the Council accede thereto.

As to the first, they apprehend the committee have misstated the service for which that allowance was made. The Council are informed that the greater part of the charge arises for the carriage of the bills from the press to the house of the signer, where

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it might be expected they ought to have been delivered by the attendants of the press, who undoubtedly should have been allowed therefor. The remaining part of the charge to Dover, it is urged, was for that part of the moneys belonging to the office in Sussex. For these reasons the Council are of the opinion such a charge is just, and submit it to the reconsideration of the House.

The Council propose an alteration in the sum allowed for commissions on the £500, in the first part of the report, to Brigadier McKinley, this sum being paid under an order drawn by him, as Chairman of the Council of Safety of New Castle County, on Col. Collins in favor of Lieutenant Kamford, Col. Collins being allowed commissions thereon, £7 : 10, the sum to be deducted.

Mr. Bassett reported that he waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the resolutions following, to wit:

"On motion, by order,

"The report of the committee appointed to devise the best "method of supplying the inhabitants of this State with salt, was "read the second time, and, being debated and amended, was "agreed to, as follows, to wit:

"That they are of opinion the most certain and expeditious "method of procuring a speedy supply of salt would be to au- "thorize and empower some careful and prudent persons at the "Town of New Castle to purchase one or more cargo or cargoes "of salt from on board vessels bound to Philadelphia, or after "their arrival there, at the lowest prices for which the same can "be procured, and to distribute, to the quantities they shall buy, "from time to time, equally between the several counties of this "State, and cause the proportion for each county to be delivered "to some member of the Council of Safety in such county, who, "with the advice and assistance of the other members of the said "Council residing in said counties respectively, shall cause the "same to be delivered out to the inhabitants thereof in proportion "to their several wants.

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"That 4,000 bushels of salt are now wanted to supply the immediate necessities of the people, and that the commissioners appointed to buy it ought to be supplied with £2,500 for that purpose, and that it should be retailed out to the inhabitants at so small an advance as would be only sufficient to reimburse the State.

"*Resolved*, That Messrs. Zachariah V. Lenvington and Joseph Tatlow, of the Town of New Castle, be and they are hereby appointed commissioners to carry the foregoing resolutions into execution; and that they be authorized to borrow, from any person or persons who will lend the same on the credit of this State, any sum or sums of money, not exceeding £2,500, to be repaid, with interest at six per cent., in three months.

"*Resolved*, That certificates, signed by the said commissioners, expressing therein the sums borrowed, to be upon the above terms and for the above purposes, shall be sufficient vouchers to entitle the lenders to the repayment thereof by this State.

"*Resolved*, That the said commissioners render an account of their proceedings in the premises to the General Assembly of this State at the next session."

Read and concurred in.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the resolution following, to wit:

"*Resolved*, That the balance of public money remaining in the hands of Thos. Collins, Esq., Military Treasurer for the County of Kent, be paid into the hands of the Speaker of this House, whose receipt shall be a sufficient discharge to the said Military Treasurer for the same; and that the Speaker be accountable for the disposal thereof."

For the consideration and concurrence of the Council.

Read and concurred in.

A member from the House of Assembly, attending at the door, was admitted and returned the resolution of Council expressing

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the appointment and powers of the Delegates to Congress, with the concurrence of the House of Assembly thereto, and delivered to the Chair the following verbal message, to wit:

"That the Speaker of the Assembly has delivered several of "the printed resolutions of Congress relating to the reënlistment "of the army, and forty blank commissions, received from the "President of the Congress, together with eight copies of the "Articles of War, to Col. Samuel West, one of the commission- "ers appointed to repair to the army.

"This House will do their part in satisfying the commissioners "for their expenses to be incurred in the service of the State.

"The Assembly have taken measures for securing the blank- "ets, linen and woolen cloth, purchased in consequence of the "directions of the Council of Safety, and hope the same may be "sent to the camps some time next week; to pay for which they "have passed the resolution sent to the Council for their concur- "rence."

Ordered, That Mr. Bassett wait on the House of Assembly with the concurrence of Council to their resolution respecting the most certain and expeditious method of procuring a speedy supply of salt; and also their resolution respecting the payment of the balance of the public money in the hands of Col. Collins to the Speaker of the House of Assembly.

Mr. Bassett returned and reported that he had waited on the House of Assembly according to the order aforesaid.

A member of the House of Assembly, attending at the door, was admitted and delivered a verbal message that the House of Assembly had postponed the consideration of that part of the report made by the Committee of Accounts as objected to by the Council in their message till the next sitting of the General Assembly.

To which the Council agreed.

Ordered, That a member of Council wait on the House of Assembly and inform them that the Council concurred in the other parts of the report.

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A verbal message being sent to the House of Assembly desiring their sentiments as to the settling and defraying the expenses of the present session, and how the same shall be done ;

In answer to which, it is proposed that the whole expenses should be severally ascertained and defrayed by orders, to be drawn by the Speakers of both Houses, on the several Trustees of the Loan Office in this State.

And the Council concurred.

The Council took into consideration the expenses of their session, and thereupon

Resolved, That there be paid to the members of Council:

For New Castle County, for personal expenses by them incurred, to wit: 3 members, 13 days, . . .	£21	14	10
To the members of Kent County, for same, ...	25	15	11
To the members of Sussex County, for same, . . .	27	14	10
To Slator Clay, Clerk to Council, for 12 days' attendance, @ 7s. 6, ...	4	10	0
To Robert Booth, Doorkeeper, for 12 days' attendance, @ 5s., ...	3	0	0
	£82	15	7

Ordered, That same be transcribed and sent to the House of Assembly for concurrence, which was done accordingly.

Orders, drawn and signed by the Speaker of Assembly, for the amount of the said expenses were delivered to the Chair.

A notice, in writing, subscribed by the Speaker of the Assembly, that that House had adjourned to Monday, the sixth day of January next, to meet at the State House, in the Town of New Castle, was delivered to the Chair.

Then the Council adjourned to the 6th day of January next.

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MINUTES OF COUNCIL.

JANUARY, 1777.

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MINUTES OF THE COUNCIL

OF THE DELAWARE STATE.

NEW-CASTLE-ON-DELAWARE,

MONDAY, January 6th, 1777.

Agreeable to adjournment, the Speaker and a number of the members met, but these not being sufficient to enter upon business, the Council adjourned from day to day until Friday following.

FRIDAY, January 10, 1777.

Council met. Present—All the members except Messrs. Bassett, Collins, and Dingee.

The two first being officers in the Militia of this State, marched to reinforce General Washington in New Jersey, their absence is excused.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the resolutions following, to wit:

"On motion,

"*Ordered*, That Messrs. Cook, Robinson and Horsey be a "committee to settle and adjust the accounts of the officers and

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"privates of the Second Delaware Battalion, raised for the Fly-
"ing Camp, previous to their being passed by the Commissary
"of Musters.

"*Ordered*, That the same be transcribed, and that Mr. Ridgely
"wait on the Council therewith and propose to them the appoint-
"ment of a committee of their House, to join with the committee
"aforesaid, in the business referred to them."

And the same being read, ordered to lie on the table for consideration.

The Speaker laid on the table a letter addressed from the Honorable John Hancock, Esq., President of Congress, inclosing sundry resolutions of the 11th, 27th, 30th and 31st of December last, which were read.

On motion,

Ordered, That the same be referred to a committee of three.

Whereupon Messrs. Vandyke, Cantwell and Sykes were appointed a committee for that purpose.

The report of the commissioners appointed to repair to the camps and inquire into the condition of the Battalions under Cols. Haslet and Patterson, and commission a sufficient number of officers for the battalion to be raised in this State to serve during the war, with sundry papers as vouchers of their proceedings, being presented to the Chair, by order, was read and laid on the table for consideration.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, January 11th, 1777.

Council met.

A member from the House of Assembly delivered at the Chair a written paper, subscribed with the name of Jacob Bennett, purporting an account of his being taken by a British ship of war to the southward of Cape Henlopen, and that while a prisoner five persons, supposed to be inhabitants of this State, came in a boat, with some live stock, on board said ship, one of which persons passed there by the name of Daniel Dingee; and the House being informed that John Trip and Levi Potter were prisoners at the same time on board the said ship;

Ordered, That the Speaker issue notices, by way of summons, to Jacob Bennett and John Trip and to Levi Potter to attend here on Monday next, at 11 o'clock, A. M., to give evidence of their knowledge of the persons aforesaid and their conduct on board the said ship.

The committee to whom the Honorable Mr. Hancock's letter and resolutions of Congress were referred, prayed further time to report thereon, and granted.

Mr. Polk desired leave of absence for a few days to visit his brother, dangerously ill. Granted.

Adjourned to Monday next.

MONDAY, January 13th, 1777.

Council met, but there not being a quorum to proceed on business, adjourned till to-morrow.

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TUESDAY, January 14th, 1777.

Council met.

The Speaker reported from the chair that he had issued notices requiring the attendance of Jacob Bennett, John Trip and Levi Potter, agreeable to the order of Saturday.

It appearing to the House that Jacob Bennett and John Trip were sick, their non-attendance is excused till their recovery.

Mr. Dingee, a member of this House, not having attended during the sitting thereof, and a sufficient reason not being assigned for his absence,

Ordered, That the Speaker write to Mr. Dingee requiring his attendance in this House forthwith, and that a messenger be sent with such letter.

The committee to whom the Honorable Mr. Hancock's letter and resolutions of Congress were referred, brought in their report, which, by order, was read and referred till to-morrow.

Adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, A. M., January 15th, 1777.

Council met, and resumed the consideration of the report of yesterday referred to this day, which was agreed to, as follows:

Your committee, to whom the Honorable Mr. Hancock's letter and resolutions of Congress of the 11th, 27th, 30th and 31st of December last was referred, do report, that they have taken the

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same into consideration and are of the opinion that the resolution of the 11th of December aforesaid, recommending the appointment of a day of solemn fasting and humiliation, is highly proper to be complied with, and propose Thursday, the 27th of February next, as a proper day, and that a proclamation issue for that purpose, in the following form, to wit:

A PROCLAMATION.

WHEREAS the just war into which the United States of America have been forced by Great Britain is likely to be still continued by the same violence and injustice which have hitherto animated the enemies of American freedom; and whereas it becomes all publick bodies, as well as private persons, to reverence the Providence of God, and look up to Him as the Supreme Disposer of all events and the Arbiter of the fate of Nations;

Therefore the General Assembly of the Delaware State do appoint Thursday, the 27th of February next, to be observed by all ranks of people within the same as a day of solemn fasting and humiliation, to implore of Almighty God the forgiveness of the many sins prevailing among us, and to beg the countenance, protection and assistance of His Providence in the prosecution of this just and necessary war, and a happy and speedy conclusion of the same.

And it is recommended to Christians of all denominations within this State to assemble for publick worship and to abstain from servile labor and recreation on said day.

Signed by order of the General Assembly.

Given at New Castle, ——— of January, 1777.

Your committee are also of opinion that the resolution of Congress of the 27th of December, recommending the march of the new levies of this State for the Continental army, by companies or parts of companies, be also complied with; and that it be recommended to the commanding officer of the Delaware Battalion to issue orders to the respective captains thereof to march their companies to Philadelphia, to receive further orders from the commanding officer there, and, if not yet complete, to cause so many as may be already enlisted immediately to repair there, under a proper officer or officers, provided the number shall

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amount to thirty-five, leaving one or more officers to recruit, in order to fill up the companies; and that a sum of money be provided for the subsistence of the companies so marching till they arrive at Philadelphia, which, your committee think, will render the appointment of a commissary, to proceed there for the purpose of procuring provisions, unnecessary.

Your committee are further of opinion that the resolution of Congress of the 30th of December, prohibiting the exportation of bacon, salted beef and pork, soap, tallow, and candles, be also complied with and strictly observed by the inhabitants of this State, and that the said resolution be published within the State for their information.

Your committee do likewise recommend that the resolution of Congress of the 31st of December, by which the restrictions heretofore imposed upon the exportation of staves, or other lumber, except to Great Britain, Ireland and the British Islands, or any place under the dominion of Great Britain, is taken off, be also published within this State.

Ordered, That the foregoing resolutions of Council be transcribed and sent to the House of Assembly for their consideration and concurrence, and that Mr. Vandyke deliver the same, together with the President's letter and resolutions of Congress aforesaid.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

Council met.

Mr. Vandyke reported that he had waited on the House of Assembly and delivered the resolutions of this day, with the President's letter, according to order.

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Mr. Dingee appeared in the House and assigned the indisposition of his wife as an excuse for his non-attendance hitherto, which was admitted.

Mr. Dingee being informed of the contents of the written paper, subscribed by Jacob Bennett and delivered to this House on Saturday last, wherein mention is made of five persons, supposed to be inhabitants of this State, going on board a British ship of war with live stock, one of which persons passed there by his name, requested that the said Jacob Bennett, and all other persons who had any knowledge of that transaction, might be summoned before this House, to give evidence thereof, at some future day, and that in the meantime his attendance in Council be dispensed with, as he did not choose to continue his seat here while under such a suspicion.

Resolved, That Mr. Dingee's attendance in Council be dispensed with till further order.

Ordered, That the Speaker issue other summonses, directed to Jacob Bennett, John Trip and Levi Potter, and summonses for Griffith Minshall, Jun., John Marshall and Joseph Poole, requiring their attendance on this House on Friday next, at 11 o'clock, to give evidence of their knowledge of the charge against Mr. Dingee, at which time he is ordered to attend.

The House taking into consideration the condition of the Militia of this State, and it appearing that there had been for some considerable time past almost a total neglect of the attendance of associators on muster and review days, and a general omission to levy the penalties and taxes imposed by the articles and rules made for the better governing of the Militia by the late House of Assembly, and that the said articles and rules required some attention and amendments for their more effectual execution, therefore,

On motion,

Ordered, That a committee of four be appointed to bring in a bill for the more effectual establishing a Militia in this State. The members chosen are: Mr. Vandyke, Mr. Sykes, Mr. Cantwell and Mr. Wiltbank.

The House resuming the resolution of the House of Assembly for the appointment of a committee to settle and adjust the ac-

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counts of the officers and privates of the 2d Delaware Battalion, raised for the Flying Camp, previous to their being passed by the Commissary of Musters;

Ordered, That Messrs. Sykes and Vandyke be a committee from this House, to join with the committee named by the House of Assembly in the business aforesaid.

Adjourned till to-morrow morning.

THURSDAY, January 16th, 1777.

Council met.

Mr. Sykes, one of the persons appointed to procure a Great Seal for this State, agreeable to the resolve of this House of the 2d of November, delivered at the table the following report from that committee, to wit:

"The committee appointed to get a skillful engraver to make "the Great Seal of this State, which was agreed upon by both "Houses, now report that they could procure no person capable "of executing the work to undertake it at this time, being en- "gaged in other very important business for the safety of their "country. That upon consulting an ingenious gentleman in the "art of heraldry, they are humbly of opinion that the Great Seal "agreed upon would be more suitable for a medal than the seal "of a State, and therefore submit the same to the consideration "of both Houses."

The House, taking the same into consideration, are satisfied with the reasons assigned for not carrying the resolutions aforesaid into execution, and resolved that the said committee be discharged.

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A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolutions of that House for concurrence of Council, to wit:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, January 13th.

"On motion,

"*Resolved*, That the former vote respecting a Great Seal be rescinded.

"On motion,

"*Ordered*, That Messrs. Cook, Robinson and McKean be a "committee to confer with a committee of Council on the subject "matter of a device for and making of a Great Seal for this State, "and also to fix upon a seal which shall be held and deemed to "be the Great Seal *pro tempore* until the Great Seal to be agreed "upon by both Houses be made."

Which, being taken into consideration, was concurred in.

Resolved therefore, That the resolution of the 2d of November last respecting a Great Seal be rescinded.

Ordered, That Messrs. Cantwell and Wiltbank be a committee from this House to confer with the committee of Assembly on the subject matter of forming a Great Seal and fixing a seal *pro tempore*.

Ordered, That Mr. Vandyke wait on the House of the Assembly with the concurrence and appointment aforesaid.

Who, being returned, reported that he had delivered the same according to order.

The report of the proceedings of the commissioners appointed to repair to the army to nominate officers for the battalion to be raised as the quota of this State to serve during the war, being resumed,

Ordered, That the same be referred to a committee of three to report thereon. The members chosen: Mr. Cantwell, Mr. Sykes, and Mr. Vandyke.

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, January 17th, 1777.

Council met.

The witnesses ordered to be summoned respecting the charge against Mr. Dingee, a member of this House, his being on board a British ship of war on or about the 30th of December last, all attending except Levi Potter, who was out of the State and not summoned,

Ordered, That notice be given to the Honorable the Speaker of the House of Assembly, and such of the members thereof as are in town, that the examination of the witnesses is to be had forthwith, that they may be present if they think fit.

The Speaker of the Assembly, with a number of the members of that House, attending, were admitted accordingly. Mr. Dingee also attending by order.

The Council proceeded to the qualifying and examining Jacob Bennett, John Trip, Griffith Minshall, Jun., John Marshall, and Joseph Poole, severally and apart, respecting their knowledge of Mr. Dingee's being one of the five persons who had come on board the Pearl, ship of war, belonging to his Britannic Majesty, while they were prisoners there, all of whom having deposed that Mr. Dingee was not one of the persons aforesaid, nor had been on board the said ship of war during the time they were prisoners, to their knowledge or belief,

Thereupon the Council are unanimously of opinion that the suspicion of Mr. Dingee's being one of the persons who had come on board the British ship of war aforesaid during the time the witnesses aforesaid were prisoners is groundless.

Ordered, That Mr. Dingee take his seat as a member of this House.

The committee appointed to confer with a committee of the House of Assembly on the subject matter of a device for and

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making a Great Seal for this State, and also to fix upon a seal to be used instead thereof *pro tempore*, brought in their report,

Which was read and referred for consideration.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., January 18th, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair divers resolutions of that House for concurrence, as follows, to wit:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., January 17th, 1777.

"*Resolved, N. C. D.*, That Mr. McKean be a committee to "employ skillful workmen to make a silver seal of the diameter "of three inches and of a circular form, and that there be en- "graven thereon a Sheaf of Wheat and an ear of Indian Corn, "and an Ox, in full stature, in a shield with a river dividing the "wheat sheaf and ear of Indian corn from the Ox, which is to be "cut in the nether part of the shield below the river; that the "supporters be an American Soldier, under arms, on the right, "and an Husbandman, with a Hoe in his hand, on the left, and "that a Ship be the crest; and that there shall be an inscription "round the same, near the edge or extremity thereof, in the "words following, in capital letters: "THE GREAT SEAL "OF THE DELAWARE STATE," *with the figures 1777;* "which shall, from and after the delivery thereof to the President "and Commander-in-Chief, be the Great Seal and deemed the "Arms of this State.

"*Resolved*, That the Seal of the County of New Castle shall "be deemed and held to be the Great Seal of this State *pro tem-*

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"*pore* until the above described Great Seal is made and delivered "to the President and Commander-in-Chief, and no longer."

Which, being read, were concurred in.

Resolved, That Mr. Sykes be appointed, together with Mr. McKean, for procuring a new Great Seal as aforesaid.

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, January 16th, 1777.

"*Ordered*, That Mr. Ridgely and Mr. Horsey be of the Com- "mittee for Publick Accounts, appointed at the last sitting of this "House, in the room of Messrs. Lockwood and Bradley, who "are absent; and that the accounts of the Independent Company "and the Militia of this State be referred to the said committee."

Which, being read, was concurred in.

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., January 17th, 1777.

"On the report of the committee to whom ten several letters "from the Council of Safety, the President of the Congress, &c., "&c., were referred,

"*Resolved*, 1, That two chains of fire-rafts be built as soon as "possible and laid up in Christiana, or some other convenient "harbor, from whence they may be brought to act against the "ships of the enemy in case they should attempt to come up the "Delaware.

"2. That two hundred barrels of bread, one hundred and "forty barrels of beef, and sixty barrels of pork, be ordered to "be purchased and deposited at Dover and Wilmington, or in "such proper places as the President and Commander-in-Chief "of this State shall direct, for the use of the Militia and Conti- "nental troops that may be called into action within the same, "or that may have occasion therefor on their march elsewhere; "and that one ton of powder, two tons of lead, and five hundred "stand of arms, be procured as soon as practicable, and secured "in the safest and most convenient places, by the President, for "the use of this State.

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"3. That a committee be appointed to join a committee of "the Council, to state an account of expenditures by this State "for and in behalf of the Continent, and lay the same before the "respective Houses.

"4. That Mr. Speaker be directed to write a circular letter "to each captain in the Delaware Battalion, to transmit forthwith "to the General Assembly an account of the number of levies "recruited by them on the new establishment.

"5. That Mr. Speaker be directed to write a letter to the "President of the Congress, informing him that the persons "employed in Pennsylvania under the Congress to buy clothing "for the army have purchased up almost all the articles of that "kind which were to be had in this State, and therefore it is "hoped that they will be pleased to give some direction for the "speedy clothing of the Delaware Battalion, as a single company "of them will not be able to march without new clothes."

Which, being also read, were concurred in.

Ordered, That Mr. Vandyke wait on the House of Assembly with their several resolutions aforesaid agreed to by this House.

Resolved, That Messrs. Sykes and Vandyke be a committee from this House to join a committee of the House of Assembly to state an account of expenditures by this State for and in behalf of the Continent.

Ordered, That Mr. Vandyke deliver a copy of this resolution to the House of Assembly.

Adjourned to Friday, the 24th instant.

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MONDAY, January 27th, 1777.

Council met. Present the Speaker, Messrs. Vandyke, Cantwell, Sykes, Wiltbank and Polk.

From the inclemency of the weather on Friday last, a quorum of members not attending, all business was postponed to this day.

The Council being informed that Slator Clay, Clerk of this House, is sick, his non-attendance is excused.

Mr. Vandyke reported that he had waited on the House of Assembly with the sundry resolutions of that House, and agreed to by the Council on the 18th instant, and delivered the same according to order.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution and order, to wit:

"IN THE HOUSE OF ASSEMBLY,
"January 27th, 1777.

"The House resumed the consideration of the amendments proposed by the Council to the amendments made by this House in the report of the Committee for Publick Accounts, and,

"On motion,

"*Resolved*, That the same be recommitted to the said committee, and that the Council be requested to concur therein.

"*Ordered*, That the orders of this House for arresting Boas Manlove and Thomas Robinson, Esquires, of the County of Sussex, together with the return of the Sergeant-at-Arms thereon, and the letter from the said Thomas Robinson to James Garriger, Esq., be laid before the Council."

And the member aforesaid delivered, at the same time, the said orders of arrest, with their returns, together with Thomas Robinson's letter, which were read and laid on the table.

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Resolved, That the Council concur in the recommitment of the report on Publick Accounts, proposed by the House of Assembly as aforesaid.

Adjourned till to-morrow, 10 o'clock, A. M.

TUESDAY, January 28th, 1777.

Council met.

Ordered, That Mr. Speaker write to Messrs. Collins and Bassett, at the camp in New Jersey, desiring their attendance in Council, if the service they are in will admit.

Several members appointed on committees desiring leave of absence on that account,

Council adjourned till to-morrow morning, 10 o'clock, A. M.

WEDNESDAY, January 29th, 1777.

Council met.

On motion,

Ordered, That a messenger be dispatched with the letters wrote by the Speaker to Col. Collins and Capt. Bassett, members of this House, requiring their attendance if they may consistent with the service they are now in in the army under General Washington.

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A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a letter from the President of Congress, inclosing certain resolutions of Congress, and the following resolution formed thereon, to wit:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, A. M., January 28th, 1777.

"WHEREAS the General Assembly of this State have passed, "at their first meeting this session, a bill entitled 'An act to "render certain bills of credit a legal tender within this State, "and to prevent the counterfeiting the same and other bills of "credit;' And whereas Mr. Speaker yesterday laid a letter "from the President of the Honorable the Congress before the "House, together with certain resolutions of Congress respecting "the bills of credit heretofore emitted by that honorable body, "which are recommended to the several Legislatures of the "Thirteen United States of America to be enforced by laws;

"*Resolved*, That Mr. McKean, Mr. Stout, and Mr. Lea be a "committee to confer with a committee of Council respecting "the contents of the aforesaid resolutions of Congress, and to "report certain additional clauses to the above mentioned bill, "for the more effectual supporting the credit of the Continental "currency, and also for the preventing and punishing the coun- "terfeiting tickets in the Publick Lottery set on foot by Con- "gress; and that the Council be desired to appoint a committee "to join herein, and to make report as soon as possible."

Which, being read, were referred for consideration.

The committee to whom the report of the proceedings of the commissioners ordered to repair to camp was referred, now brought in their report thereon, which was read,

And thereupon

Resolved, That a Lieutenant Colonel and a Major be appointed to the Battalion now raising in this State to serve during the war, as the same was not done by the commissioners aforesaid; and that it be recommended to the House of Assembly to join with the Council in such appointment, and that the same be done by a joint ballot of both Houses.

Resolved, That a representation be made to General Washing-

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ton of the mistake committed with respect to the commission granted to Peter Jaquet, as oldest 2d Lieutenant in the battalion aforesaid, who ought to have had a commission and rank in the said battalion as Fifth 1st Lieutenant.

Resolved, That Mr. James Tilton's commission as Surgeon to the said battalion, with his letter of resignation, be transmitted to General Washington, that he may appoint another in his stead.

Ordered, That the foregoing resolutions, with the report of the commissioners aforesaid and the several papers delivered by them to this House, be sent to the House of Assembly for their consideration and concurrence.

Resolved, That the allowance to be made to the commissioners who repaired to camp, by order of the General Assembly, be referred to the Committee for Publick Accounts, to wit: Messrs. Sykes, Dingee, Thompson, Ridgely and Horsey.

Ordered, That Mr. Polk wait on the House of Assembly with this and the foregoing resolutions for concurrence.

EODEM DIE, P. M.

Council met.

Mr. Polk reported that he had delivered the resolutions and papers given him in charge this day to the House of Assembly according to order.

The House resumed the consideration of the resolution of the House of Assembly respecting the appointment of a committee of both Houses to report additional clauses to the bill entitled "An act to render certain bills of credit a legal tender within this State, and to prevent the counterfeiting the same and other bills of credit," passed at their first meeting this session agreeable to certain resolutions of Congress of the 14th instant,

And thereupon

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Resolved, That the mode pointed out by the House of Assembly for carrying the resolutions of Congress into execution would, in the opinion of this House, be irregular and productive of confusion. That this business, as also all other acts of legislation, should take their rise in the one House or the other, and, when determined upon, referred to the other House for consideration and concurrence.

Ordered, That the following message, drawn up at the table, be transcribed, signed by the Speaker, and sent to the House of Assembly, that is to say:

Gentlemen:

The Council have taken into consideration the resolution of your House of yesterday proposing the appointment of a committee of their body, to join a committee named by you, for the framing additional clauses to a bill, passed at our first meeting in this session, entitled "An act to render certain bills of credit a legal tender within this State, and to prevent the counterfeiting the same and other bills of credit," in consequence of certain resolutions of Congress of the 14th instant, and though we wish to do everything on our part to render those resolutions more effectual within this State, we apprehend the mode pointed out by you for doing so by a joint committee would be irregular and productive of confusion. This business, as also all other acts of legislation, should take their rise in the one House or the other, and, when determined upon, be referred to the other for consideration. We therefore hope you will reconsider your resolution so far as the same relates to the request that the Council should appoint a committee to join the committee of your House in the first stage of this business.

Ordered, That Mr. Wiltbank wait on the House of Assembly with this message, and return the resolution of that House, with the President of Congress's letter and the resolutions of Congress referred to in the message, and also the concurrence of this House to the recommitment of the amendments proposed to the report of the Committee for Publick Accounts.

Adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, A. M., January 30th, 1777.

Council met.

Mr. Wiltbank reported that he had waited on the House of Assembly according to the order of yesterday.

A member from the House of Assembly, attending at the door, was admitted and returned the resolutions of this House of the 15th instant, with the concurrence of the House of Assembly to all of them except the resolve founded on the resolution of Congress of the 27th of December, recommending the marching of the new levies of this State by companies, and parts of companies, which is suspended until an answer is received from Congress to a letter wrote to them respecting the clothing of the battalion of this State.

On motion, by order,

The bill for ascertaining the salaries and allowances to the officers and persons therein mentioned employed in the Government of this State, and for the providing funds for payment thereof, was read a second time for consideration and debate, and, after some time spent therein, was referred till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Wiltbank, being indisposed, has leave of absence till to-morrow.

The House resumed the consideration of the bill for ascertaining the salaries, &c., .to officers, &c., and divers amendments being proposed and agreed to, the same were transcribed.

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Ordered, That Mr. Sykes wait on the House of Assembly with the said bill and the amendments thereto proposed by the Council for their consideration and concurrence.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, January 31st, 1777.

Council met.

Mr. Sykes reported that he had waited on the House of Assembly according to the order of yesterday.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a bill "to punish "treasons and disaffected persons, and for the security of the "Government."

Which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, February 1st, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and returned the bill for ascertaining the salaries to officers, &c., with the amendments proposed by this Council, to all of which the House of Assembly agreed except the 3d and 4th; and delivered a bill "of free and general pardon, indemnity and "oblivion."

Which, by order, was read the first time.

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A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill "for supporting "and establishing the bills of credit issued by Congress, &c."

By order read the first time.

Adjourned till Monday morning, 10 o'clock.

MONDAY, February 3d, 1777.

Council met.

Several of the members attending on committees, adjourned till to-morrow morning.

TUESDAY, February 4th, 1777.

Council met, and, on motion,

Ordered, That Mr. Polk be of the Committee for Publick Accounts, appointed at the late sitting of this House, in the room of Mr. Dingee, who is absent.

Adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, A. M., February 5th, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and returned the resolution of this Council of the 29th ultimo for the referring of the allowance to be made to the commissioners who repaired to camp to the Committee for Publick Accounts with the concurrence of the House of Assembly thereto; and also returned the three resolutions of this Council of the said day, founded on the report of the committee to whom the proceedings of the said commissioners were referred, to all of which the House of Assembly dissented, and instead thereof propose the following resolution, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, A. M., February 1st, 1777.

"The House resumed the consideration of the resolutions of "Council on the report of their committee to whom the report "of the commissioners ordered to repair to the camp was re-"ferred, and thereupon

"*Resolved*, That the two Houses appoint, by joint ballot, all "officers necessary to supply the vacancies in the battalion now "raising in this State to serve during the war, and that the Coun-"cil be requested to concur herein."

Which, being read, was ordered to lie for consideration.

Adjourned till to-morrow morning.

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THURSDAY, February 6th, 1777.

Council met.

Mr. Bassett, having returned from the camp in New Jersey, appeared and took his seat.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair sundry resolutions of that House, founded on a petition from Col. John Jones, of Sussex County: 1st, for the loan of one thousand pounds for five years, without interest, to enable him to erect works for manufacturing salt in this State; 2d, to take of him ten thousand bushels annually for five years, at the rate of five shillings per bushel; 3d, to bind Col. Jones to the delivery of three thousand bushels at the least, and not more than the said ten thousand bushels annually, at the rate aforesaid, for the use of the State; 4th, giving the said Col. Jones the exclusive right of making salt for sale in this State for the term aforesaid on complying with the above conditions; 5th, empowering the President of the State to draw for the sum to be lent and to take security for the performance of the said conditions, and for the repayment of the money lent at the end of any one year wherein Col. Jones may fail to supply the quantity of three thousand bushels, as aforesaid; 6th, limiting the time of applying for the draught and giving the security; to wit:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, February 5th, 1777.

"The report of the committee appointed to confer with Col. "John Jones, of Sussex County, on the subject matter of his "petition, praying the loan of a sum of money to enable him to "carry into execution his intention of erecting salt works in this "State, &c., was, by order, read the second time, and, being "amended, was agreed to, as follows, to wit:

"*Resolved*, 1. That the sum of one thousand pounds be let "by this State upon loan to the said Col. John Jones (the better "to enable him to carry into execution his intention of erecting "salt works in this State, at or near Indian River, in Sussex

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"County,), he, the said John Jones, giving bond, with sufficient "sureties, for the payment of that sum at the expiration of five "years from the date of said bond.

"2. That for the further encouraging the said Col. Jones in "prosecuting his intentions and erecting said works for manu- "facturing the useful article of salt, this State should engage to "purchase or take of him the quantity of ten thousand bushels "of salt, at the rate of five shillings per bushel, annually for the "space or term of five years, in consideration of which,

"*Resolved*, 3. That the said Col. John Jones ought to engage "and bind himself, his executors and administrators, to deliver, "for the use of this State, to such person or persons as the "President shall appoint, all the salt that by him shall be manu- "factured or made therein (at the place where the salt works "shall be erected), for the space or term of five years aforesaid, "at the rate of five shillings per bushel, so that the quantity in "any one year during that term does not exceed ten thousand "bushels; and that he should be bound and obliged to deliver, "in each and every year during the term aforesaid, at the manu- "factory aforesaid, for the use of this State, the quantity of three "thousand bushels of salt, manufactured therein at the rate afore- "said.

"4. That upon the said Col. John Jones complying with the "conditions herein before expressed to be by him entered into "and performed, that he, the said Col. John Jones, his executors, "administrators and assigns, ought to have the exclusive right of "making salt in this State for sale for and during the last four "years of the term aforesaid; and that he may dispose of and sell "to such person or persons as he pleases, and at such prices as "he can get, all the overplus salt he shall make after furnishing "the State with the aforesaid quantity of ten thousand bushels "annually for the term of five years aforesaid.

"5. That the said sum of one thousand pounds be drawn for "by the President out of the ten thousand pounds granted by "the present General Assembly for the use of the State, under "whose direction the bond aforesaid from the said John Jones "and his sureties shall be taken, with the further condition that "the same shall be payable at the end of any one year during "which the said John Jones shall fail to supply the aforesaid "quantity of three thousand bushels of salt.

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"6. That if the said John Jones shall neglect to make appli-"cation for the said draught, or to execute his bond on or before "the 20th day of April next, that the encouragement proposed "to be given to him shall cease."

Which, being read, were ordered to lie on the table for consideration.

The committee appointed to prepare and bring in a bill for the more effectual establishing a Militia in this State laid one on the table, which they submitted to the correction of the House.

On motion,

Ordered, That the said bill be read the first time, which was done accordingly.

Adjourned till to-morrow morning.

FRIDAY, February 7th, 1777.

Council met.

The bill for the more effectual establishing a Militia in this State was read the second time, and, being debated paragraph by paragraph, was referred over till to-morrow.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolutions, to wit:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., February 7th, 1777.

"*Resolved*, That it is the opinion of this House that the Gen-"eral Assembly should proceed to the appointment of the Civil "Officers of this State, agreeable to the directions of the Consti-"tution, on Monday morning next, in the State House, by joint "ballot of both Houses.

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"*Resolved*, That Messrs. McKean, Ridgely, Cook, White, and "Laws be a committee to confer with a committee of Council for "the purpose of adjusting the mode of appointing the officers "aforesaid, and that the Council be requested to concur in these "resolutions."

Which, being read, were deferred till to-morrow morning.

Adjourned till to-morrow, 10 o'clock, A. M.

SATURDAY, February 8th, 1777.

Council met, and resumed the consideration of the bill for the more effectual establishing a Militia in this State, and, after some time spent therein, the same was agreed to.

Ordered, That Mr. Polk wait on the House of Assembly with the said bill for their consideration and concurrence.

Mr. Polk, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

On motion,

The resolutions of the House of Assembly of the 7th of February, referred over till this morning, were again read and then concurred in.

Ordered, That Mr. Sykes, Mr. Bassett, Mr. Cantwell, Mr. Vandyke, and Mr. Wiltbank be a committee to confer with the committee of the House of Assembly for the purpose of adjusting the mode of appointing the Civil Officers of this State.

Ordered, That Mr. Polk wait on the House of Assembly with their resolutions aforesaid agreed to by this House.

Who, being returned, reported that he had delivered the same according to order.

Adjourned to Monday next.

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MONDAY, P. M., February 10th, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution and order of that House, to wit:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, A. M., February 10th, 1777.

"The committee appointed to confer with a committee for the "purpose of adjusting the mode of appointing the Civil Officers "of this State brought in their report, which, by order, was read "the first time.

"On motion, by special order,

"The same was read the second time, and thereupon,

"*Resolved*, That the same report be recommitted to the fol- "lowing committee, to wit: Messrs. Moore, Thompson, Jones, "Lea, and Robinson, who are hereby appointed to confer with a "committee of Council thereon."

"EODEM DIE, P. M.

"*Ordered*, That the proceedings of this forenoon on the re- "port of the committee appointed to confer with a committee of "Council for the purpose of adjusting the mode of appointing "the Civil Officers of this State, be transcribed and sent to the "Council for concurrence, and that Mr. Hill deliver the same."

Which, being read, was concurred in.

Ordered, That Mr. Polk be added to the former committee of Council appointed for this business, and that Mr. Wiltbank wait on the House of Assembly with their resolution aforesaid and the concurrence of Council thereto and the appointment of Mr. Polk.

Mr. Wiltbank reported that he had waited on the House of Assembly and delivered the resolution aforesaid according to order.

Adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, A. M., February 11th, 1777.

Council met, and resumed the consideration of the resolution of the House of Assembly of the 5th instant, founded upon a petition of Col. John Jones, of Sussex County, for a loan of a sum of money to enable him to erect salt works in this State, and an exclusive right to make salt for sale on certain conditions for five years, and divers amendments being proposed and agreed to the same were transcribed.

Ordered, That Mr. Vandyke wait on the House of Assembly with the resolutions and amendments for their consideration and concurrence.

Mr. Vandyke reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following report and order thereon, to wit:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, P. M., February 10th, 1777.

"The Committee of the General Assembly of Delaware, appointed for the purpose of settling and adjusting the accounts "of the Officers and Privates of the Second Delaware Battalion, "raised for the Flying Camp, previous to their being passed by "the Commissary of Musters, do report that they find:

The amount of Colonel Samuel Patterson's account, for pay and subsistence since the time aforesaid, to be . . . . . £	47	12	0
The amount of Lieut. Col. Robert Hodgson's account, for do. same time, to be	38	13	2
The amount of Major Henry Niell's account is .	32	16	0
The amount of the Rev'd Samuel Eakin, Chaplain's account, is	32	16	0
The amount of James Lukes, Adjutant's acc't, is	24	17	3
Carried over, ... £	176	14	5

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Brought over, ...	£ 176	14	5
The amount of John Watson, Quartermaster's account, is	16	18	6
The amount of James Tate, Surgeon's account is	31	11	0
The amount of Edward Duff's account, Surgeon's mate, is	16	14	4
The amount of William Millan, Paymaster's account. is	24	17	3
The amount of Capt. Thos. Kean's account of pay and subsistence of his company officers and privates for the time aforesaid is	338	18	10
The amount of Capt. James Dunn's account of same is	302	6	5½
The amount of Capt. William Moody's account of same is	339	16	2
The amount of Capt. Manlove's account of same is	395	15	7
The amount of Capt. Jos. Caldwell's account of same is	339	6	11
The amount of Capt. John Woodgate's account of same is	314	0	2
The amount of Capt. Nathaniel Mitchell's account of same is	179	6	2½
	*£ 2485	6	8

"Your committee do further report that the several accounts "of particulars of the above mentioned separate sums, amount- "ing in the whole to two thousand four hundred and eighty-five "pounds six shillings and eight pence, are herewith returned for "the examination and correction of the General Assembly. The "account of Capt. Thomas Skillington's company has not yet "come before your committee."

"The foregoing report being read the second time and consid- "ered, passed the House.

"*Ordered*, That the same be transcribed and sent to the Coun- "cil for their concurrence, and that Mr. Stout deliver the same, "together with the accounts therein referred to."

Which was read and ordered to lie on the table for consideration.

* So in the manuscript.

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A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the report of the joint committee of both Houses for adjusting the mode of appointing the Civil Officers of this State, and a resolution of the House of Assembly respecting the choice of two Delegates to represent this State in Congress for concurrence of the Council.

Which, by order, were read, and some amendments being proposed and agreed to, the same were transcribed.

Ordered, That Mr. Vandyke wait on the House of Assembly with the said report and resolution, and the amendments thereto proposed by the Council for their consideration and concurrence.

Mr. Vandyke reported that he had waited on the House of Assembly according to the order aforesaid.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M., February 11th.

Council met, and took into consideration the third and fourth amendments proposed by them to the House of Assembly to the bill "for ascertaining the salaries, &c., to officers, &c.," and do recede from the same, and do agree that the said bill, as it now stands, be enacted into a law.

Ordered, That Mr. Polk wait on the House of Assembly with the bill and resolution aforesaid.

Mr. Polk reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the resolutions respecting the loan of one thousand pounds, &c., to Col. John Jones to enable him to erect salt works in this State, with the amendments pro-

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posed by this House, to all of which the House of Assembly agreed except the 6th; and also returned the report of the joint committee for adjusting the mode of appointing the Civil Officers of this State, &c., and resolution respecting the choice of two Delegates, with the amendments proposed by this House, to which the House of Assembly also agreed except the 2d.

On motion,

Resolved, That the said second amendment proposed by the Council be receded from.

Which report and resolution, as amended and now agreed to, is as follows, to wit:

"The committee to whom was recommitted the report of a "conference with a committee of the Council for the purpose of "adjusting the mode of appointing the Civil Officers of this State "met the said committee of Council and agreed upon the follow-"ing report, to wit:

"That the members of both Houses should meet this afternoon "in the State House, when each member may propose a person "for President, and, when all are nominated, that their names be "taken down in writing and left on the table for the perusal and "consideration of the members of both Houses. The said com-"mittees further agreed that the election for President should be "held at the same place in the afternoon of the morrow, when "the persons nominated for President shall be balloted for by "writing his or their names on several pieces of paper, and the "person who has the greatest number of voices (provided he has "a majority of the votes of members present) shall be President; "and in case it should happen that no person nominated should "have a majority of votes of the members present, then and in "such case the two highest in vote shall be balloted for again. "But if it should so happen that two or more persons next to "the highest should be equal in vote, then the said two or more "persons shall be voted for again, and the person who has the "greatest number of voices of those last mentioned shall be bal-"loted for as aforesaid together with the person who was highest "in vote upon the first election, and the person who is highest "in vote of those two last mentioned persons shall be President; "but if the votes be equal, in such case the Speaker of the Coun-"cil shall have an additional casting voice.

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"The said committee further agreed that the persons suitable "for the Judges of the Supreme Court, Judge of the Admiralty, "the Justices of the Common Pleas, and the Commissioners for "the Continental Loan Office for this State, may be proposed by "any member on the day last aforesaid, who are to be chosen in "manner above directed on some future day, to be agreed upon "by both Houses.

"*Resolved*, That the members of both Houses, when assem- "bled together to-morrow afternoon, shall propose the names of "persons to be chosen as two of the Delegates in Congress, in "the stead of John Dickinson and John Evans, Esquires, in the "method proposed respecting the President; and that such Dele- "gates be elected at such time and place and in the same manner "that the Justices of the Supreme Court are above directed to "be elected."

Ordered, That Mr. Vandyke wait on the House of Assembly with the concurrence of Council to the foregoing report and resolution, and inform that House that the Council will attend in the State House in half an hour to propose a person for President of this State.

Mr. Vandyke reported that he had waited on the House of Assembly according to the order aforesaid.

The Council proceeded to the State House and there met the House of Assembly, when divers persons were put in nomination for the office of President and their names taken down for the consideration of the members of both Houses.

Then the Council adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, A. M., February 12th, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled "An act against Desertion and harbouring Deserters, or dealing with them in certain cases," for the consideration and concurrence of the Council.

Which, by order, was read the first time.

On motion, by order,

The "bill to punish treasons and disaffected persons and for "the security of the Government," was read the second time, and, after some time being spent therein, was postponed for further consideration.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a letter from the President of Congress requesting an immediate representative from this State.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

A member from the House of Assembly, attending at the door, was admitted and informed the Council that the House of Assembly is now ready to proceed to the election of a President for this State, agreeable to the joint resolution of yesterday, and then he withdrew.

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The Council met the House of Assembly in the State House, and there, in General Assembly, proceeded to the election of a President for the State, and the members of both Houses, to wit: seven of the Council and sixteen of the House of Assembly, then present, having prepared tickets with the name of the President to be appointed and put the same into the ballot-box, the Speakers of the two Houses, in the presence of the other members, examined the ballot-box, and it appearing that nineteen votes, out of the twenty-three put into the said box, were in favor of the Honorable John McKinley, Esquire,

Whereupon the said John McKinley is declared duly elected President of this State for the term of three years next ensuing, and until the sitting of the next General Assembly thereafter, and no longer, agreeable to the present Constitution or system of government.

Then divers persons were put in nomination as suitable for the respective offices of Justices of the Supreme Court for the State, Judge of Admiralty, Justices of the Common Pleas and Orphans' Courts for each County, and for Commissioner of the Continental Loan Office for this State, and for Delegates in Congress in the stead of John Dickinson and John Evans, Esquires.

The Council then adjourned till 10 o'clock to-morrow morning.

THURSDAY, A. M., February 13th, 1777.

Council met, and resumed the consideration of the "bill to punish treasons and disaffected persons, &c.," and divers amendments being proposed and agreed to, the same were transcribed.

Ordered, That Mr. Wiltbank wait on the House of Assembly with the said bill and the amendments thereto proposed by this House for their consideration and concurrence.

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Mr. Wiltbank reported that he had waited on the House of Assembly according to the order aforesaid.

The House took into consideration the "bill for supporting and establishing the Bills of Credit issued by Congress, &c.," which, by order, was read the second time and deferred for further consideration.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., February 14th, 1777.

Council met, and resumed the consideration of the "bill for supporting and establishing the Bills of Credit issued by Congress, &c.," and after some time spent therein the same was deferred till the afternoon.

EODEM DIE, P. M.

Council met.

Mr. Collins, having returned from the camp in New Jersey, appeared, but being indisposed prayed leave of absence. The same was granted.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a letter from the Commissary General of Clothing, with the following resolution relative thereto, to wit:

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"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., February 7th, 1777.

"On motion,

"*Resolved*, That the Captains Kirkwood and Anderson march "their companies forthwith to the City of Philadelphia, in order "that they may be clothed as speedily as possible."

And returned the bill entitled "An act for the better establishing the Militia," with sundry amendments thereto, proposed for consideration and concurrence of the Council,

Which were read and ordered to lie on the table.

The bill for supporting and establishing the Bills of Credit issued by Congress, under consideration in the forenoon, was resumed, and divers amendments being proposed and agreed to, the same were transcribed.

Ordered, That Mr. Wiltbank wait on the House of Assembly with the said bill and the amendments thereto proposed for their consideration and concurrence.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, February 15th, 1777.

Council met, and took into consideration the resolution of the House of Assembly respecting the march of the Captains Kirkwood and Anderson, which, being read, was concurred in.

Ordered, That Mr. Wiltbank wait on the House of Assembly with their resolution aforesaid and letter from the Commissary General relative thereto, with the concurrence of Council, and return to that House the resolutions of Congress of the 14th January, recommending it to the different Legislatures to enact laws preventing the counterfeiting the Continental Bills of Credit, &c.

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Mr. Wiltbank reported that he had waited on the House of Assembly according to the orders aforesaid.

On motion, by order,

The bill entitled "An act against Desertion and harbouring Deserters, &c.," was read the second time, and divers amendments being proposed and agreed to, the same were transcribed.

Ordered, That Mr. Wiltbank wait on the House of Assembly with the said bill and amendments thereto proposed for their consideration and concurrence, who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

Adjourned till Monday morning, 10 o'clock.

MONDAY, A. M., February 17th, 1777.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled "An act against Desertion and harbouring Deserters, &c.," with the amendments thereto proposed by this House, to all of which the House of Assembly had agreed. And the bill entitled "An act for supporting and establishing the Bills of Credit issued by Congress, &c.," with the amendments proposed by this House, to which the House of Assembly had also agreed.

And the same member delivered at the Chair a "bill for aiding the discontinuance of the process in the Supreme Court, and for altering the times of holding the said Court and the Courts of General Quarter Sessions and Common Pleas." And a bill intitled "An act to render parts of divers Acts of Assembly and certain law proceedings more conformable to the present Constitution."

Which were laid on the table.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

The House resumed the consideration of the bill entitled "An act for the better establishing the Militia," as returned by the House of Assembly with the amendments thereto proposed, and divers amendments being made to the amendments proposed by the House of Assembly, the same were agreed to and ordered to be sent to the House of Assembly for their concurrence.

Ordered, That Mr. Vandyke wait on the House of Assembly with the said bill and amendments, also a message assigning the reasons for rejecting the first amendment proposed to said bill.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., February 18th, 1777.

Council met, and took into consideration the 6th amendment proposed by them to the 4th resolution of the House of Assembly respecting the granting to Col. Jno. Jones, on certain conditions, an exclusive right to make salt in this State for sale for five years, &c., and do adhere to the same.

On motion,

Ordered, That a committee be appointed to draw up a message to the House of Assembly assigning the reasons for adher-

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ing to the 6th amendment proposed to the resolution aforesaid, and Messrs. Vandyke and Bassett were appointed for that purpose.

The committee appointed to draw up a message to the House of Assembly laid one on the table, which was read, and, after some amendments made, was transcribed, signed by the Speaker, and is as follows :*

Ordered, That Mr. Bassett wait on the House of Assembly with the said message.

Mr. Bassett, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The bill entitled "An act of free and general pardon, indemnity and oblivion," was read the second time and postponed for further consideration.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled "An act for the better establishing the Militia," with the concurrence of the House of Assembly to the amendments proposed by the Council to the amendments proposed by the House of Assembly, and the consent of that House to recede from their first amendment proposed to the said bill, and the amendments proposed and concurred in as aforesaid being made in the bill, ordered that the same be engrossed.

* This message does not appear to have been placed on record.

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The bill "for aiding the discontinuance of the process in the Supreme Court, and for altering the times of holding the said Court and the Courts of General Quarter Sessions and Common Pleas," was, by order, read the 1st time.

On motion, by order,

The bill entitled "An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution," was also read the first time.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution, to wit:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., February 18th, 1777.

"On motion,

"*Resolved*, That it is the opinion of this House that the Gen-
"eral Assembly should proceed to the choice of the remaining
"Civil Officers of this State, who are in nomination, on Thursday
"morning next, and that the Council be requested to concur
"herein."

Which was read and ordered to lie on the table for consideration.

Adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, A. M., February 19th, 1777.

Council met.

On motion and order,

The bill for aiding the discontinuance of the process of the Supreme Court, and for altering the times of holding the said Court and the Courts of General Quarter Sessions and Common Pleas, was read a second time and agreed to by the Council.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the votes and proceedings of that branch of the Council of Safety for New Castle County since their appointment in November last, together with the following resolution of that House, to wit:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., February 18th, 1777.

"The House resumed the consideration of the votes and proceedings of that branch of the Council of Safety residing in "the County of New Castle (since the last sitting of the General "Assembly), and, after some time spent therein, the same were "approved of; and as to that part of the said proceedings which "relates to the application of the Militia who marched from this "State to join the Continental army respecting a bounty therefor,

"*Resolved*, That every non-commissioned officer and private "that marched from this State to join General Washington, and "who remained in service for the space of six weeks from the "time of marching until such person was regularly discharged "by order of the General, shall be allowed a bounty of six dollars."

On motion and order,

The votes and proceedings of that branch of the Council of Safety residing in the County of New Castle, with the resolution of the House of Assembly aforesaid, were severally read, and the

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same being taken into consideration, the same votes and proceedings were generally approved of by Council and the said resolution concurred in.

On motion and order,

The Council resumed the consideration of the bill entitled "An act of free and general pardon, indemnity and oblivion," and the same being again read was unanimously rejected.

Mr. Speaker laid on the table a memorial from himself, as one of the Delegates from this State to Congress, representing that such is the state of his private affairs at present that it will be very injurious to him to give his attendance in Congress for some months to come, which may, with just reason, be expected by the General Assembly, therefore he prayed leave to resign his seat in Congress.

Which, by order, was read and postponed for consideration.

It appearing to the Council that Boaz Manlove, late of Sussex County, doth retain in his hands the sum of three hundred and eighty pounds, part of the Sussex County quota of the Bills of Credit ordered to be emitted by an Act of Assembly passed in the year of our Lord one thousand seven hundred and seventy-five, entitled "An act for emitting the sum of Thirty Thousand Pounds in Bills of Credit on loan, and providing a fund for payment of Public Debts," and deposited in his hands as one of the signers of the bills,

On motion, leave is granted to bring in a bill for the recovery of the aforesaid sum of three hundred and eighty pounds, with interest from the first day of April last past, and thereupon Mr. Bassett delivered a bill for the purpose aforesaid at the table, which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

The resolution of the House of Assembly of yesterday respecting the choice of the remaining civil officers on Thursday morning next was taken into consideration, and, on motion, the following message, drawn up at the table, was transcribed, and, by order, signed by the Speaker, to wit:

"A MESSAGE FROM THE COUNCIL TO THE HOUSE "OF ASSEMBLY.

"*Gentlemen:*

"The Council having taken into consideration the resolution "of the House of Assembly for the choice of the remaining Civil "Officers of this State on Thursday morning next, are of opinion, "upon a review of the other business before them, that the time "of choosing those officers had better be postponed till Friday "morning next, and wish that that time may be approved of by "the House of Assembly."

The bill against Desertion and harbouring of Deserters, &c., and the bill for the supporting and establishing the Bills of Credit issued by Congress, &c., being severally examined and compared with the amendments proposed by the Council, and the same appearing to have been severally made and entered in the said bills, the Council consent that the said bills be enacted into laws.

Ordered, That Mr. Sykes wait on the House of Assembly with the message aforesaid and the two last mentioned bills, together with the bill for aiding the discontinuance of the process of the Supreme Court.

Mr. Sykes, being returned, reported that he had waited on the House of Assembly and delivered the papers given to him in charge according to order.

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On motion, by special order,

The bill for the recovery of a sum of money due from Boaz Manlove to this State was read a second time, and, after some amendments made, passed this House, and ordered to be sent to the House of Assembly for their concurrence.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a written message from the Assembly, in answer to the message from the Council containing their reasons for adhering to their amendment of the 4th resolution of the House of Assembly for granting to Col. Jones, on certain conditions, an exclusive right to make salt in this State for sale for five years, and the same being read was laid on the table.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolution of that House, to wit:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., February 19th, 1777.

"On motion,

"*Resolved*, That Mr. Thompson, Mr. Jones, and Mr. Robin-
"son be a committee to join Messrs. Sykes and Vandyke, a
"committee of Council, to state an account of expenditures by
"this State for and in behalf of the Continent."

Which was read and approved.

The member from the Assembly aforesaid also delivered at the Chair the concurrence of the House of Assembly to the proposal made by the Council in their message of this day for postponing the choice of the remaining civil officers of this State till Friday morning next.

On motion,

Ordered, That Mr. Wiltbank wait on the House of Assembly with the bill entitled "An act of free and general pardon, indemnity and oblivion," and inform that House that the said bill is rejected by the Council.

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And with the bill for the recovery of a sum of money due from Boaz Manlove to the Delaware State, for their perusal and concurrence.

And with the votes and proceedings of the Council of Safety of New Castle County, with the resolutions of the House of Assembly thereon, and for a bounty to be allowed to such of the Militia as marched and served six weeks, &c., with the approbation and concurrence of Council.

And with the orders of the House of Assembly for arresting Boaz Manlove and Thomas Robinson, and the Sergeant-at-Arms' return thereon, and the letter from the said Thomas Robinson to James Garrigen, Esq.

And with the approbation of Council to an appointment of the Committee for Publick Expenditures.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, 20th February.

Council met, and took into consideration the written message from the House of Assembly of yesterday respecting the grant of an exclusive right, on certain conditions, to Col. Jones to make salt in this State for sale for the term of five years, and some time being spent thereon, the following message, being drawn up at the table, was agreed to, and transcribed and ordered to be signed by the Speaker: *

A member from the House of Assembly, attending at the door, was admitted and returned the bill for the recovery of a sum of money due from Boaz Manlove to the Delaware State, with a

* The message is not recorded in the minutes.

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paper of amendments proposed by the House of Assembly thereto, which, being read and considered, were agreed to, and being made in the bill the same were ordered to be engrossed.

On motion and order,

The bill entitled,

"An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution,"

Was read a second time, and several amendments proposed being agreed to, the bill, with the amendments, were ordered to be returned to the House of Assembly for their consideration and concurrence.

Ordered, That Mr. Bassett wait on the House of Assembly with the last bill and its amendments and the foregoing message from the Council.

Mr. Bassett, being returned, reported that he had delivered the same according to order.

The Militia bill being engrossed was read and compared at the table and ordered to be sent to the House of Assembly for their examination.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, February 21st, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolution, to wit:

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"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., February 21st, 1777.

"On motion,

"*Resolved*, That the Prothonotary of the Court of Common "Pleas for the County of New Castle do deliver the seal of the "said county, used in his office, unto the Honorable the Speaker "of the Council, the same seal being established as the Great "Seal of this State until a new one is made and delivered to the "President and Commander-in-Chief; and then it is ordered that "the seal aforesaid be redelivered to the Prothonotary."

Read and concurred in.

Ordered, That Mr. Sykes wait on the House of Assembly with the above resolution and concurrence of Council thereto.

Mr. Sykes, being returned, reported that he had waited on the House of Assembly according to order.

The Council, according to the order of the day, met the President of the State and the House of Assembly in the State House, and the President and members of both Houses having prepared tickets with the names of the Justices of the Supreme Court to be appointed for the State and put the same into the ballot-box, the Speakers of the two Houses, in presence of the President and the members, examined the ballot-box, and it appearing that there was a majority of votes in favor of Richard M. William, Esquire, as Chief Justice of the said Court, and a majority of votes in favor of Cæsar Rodney, Esquire, as second Justice of the said Court, and a majority of the votes in favor of James Sykes, Esquire, as third Justice of the said Court,

Thereupon the said Richard M. William, Cæsar Rodney, and James Sykes are declared duly elected and appointed Justices of the Supreme Court for the State.

Then the President and members of both Houses proceeded, in like manner, to ballot for a Judge of Admiralty, and it appearing that there was a majority of votes in favor of Nicholas Vandyke, Esquire,

Thereupon the said Nicholas Vandyke is declared duly elected and appointed Judge of Admiralty.

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Then the President and members of both Houses proceeded, in like manner, to ballot for Justices of the Courts of Common Pleas and Orphans' Courts for the County of New Castle, and it appearing that the votes were unanimously in favor of John Jones, Esquire, as Chief Justice of the said Courts; James Latimer, Esquire, as second Justice; John Thompson, Esquire, as third Justice, and Abraham Robinson, Esquire, as fourth Justice of the said Courts,

Thereupon the said John Jones, James Latimer, John Thompson, and Abraham Robinson are declared duly elected and appointed Justices of the Court of Common Pleas and Orphans' Court for New Castle County.

Then the President and members of both Houses proceeded, in like manner, to ballot for Justices of the Courts of Common Pleas and Orphans' Court for the County of Kent, and it appearing that the votes were unanimously in favor of Thomas Tilton, Esquire, as Chief Justice; John Clark, Esquire, as second Justice; Richard Smith, Esquire, as third Justice, and Thomas White, Esq'r, as fourth Justice of the said Courts,

Thereupon the said Thomas Tilton, John Clark, Richard Smith, and Thomas White are declared duly elected and appointed Justices of the Courts of Common Pleas and Orphans' Courts for Kent County.

Then the President and members of both Houses proceeded, in like manner, to ballot for Justices of the Courts of Common Pleas and Orphans' Courts for the County of Sussex, and it appearing that twenty votes, of the twenty-one persons voting, were in favor of John Wiltbank, Esquire, as Chief Justice of the said Courts; and the votes were unanimously in favor of William Polk, Esquire, as second Justice, and of John Laws, Esquire, as third Justice, and that there was a majority of the votes in favor of Isaac Smith, Esquire, as fourth Justice of the said Courts,

Thereupon the said John Wiltbank, William Polk, John Laws, and Isaac Smith are duly declared elected and appointed Justices of the Courts of Common Pleas and Orphans' Courts for Sussex County.

Then the President withdrew, and the members of both Houses proceeded, in like manner, to ballot for a Commissioner of the

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Continental Loan Office for this State, and it appearing that the votes were unanimously in favor of Samuel Patterson, Esq'r,

Thereupon the said Samuel Patterson is declared duly elected and appointed Commissioner of the Continental Loan Office for this State.

Then the members of both Houses proceeded, in like manner, to ballot for two Delegates to serve in Congress in the stead of John Dickinson and John Evans, Esquires, and it appearing that there was a majority of votes in favor of Nicholas Vandyke and James Sykes, Esquires,

Thereupon the said Nicholas Vandyke and James Sykes are declared duly chosen and appointed Delegates to represent this State in Congress in the stead of John Dickinson and John Evans.

Then the members of the two Houses proceeded also to the choice of Military Treasurers, and it appearing that the following gentlemen were unanimously elected, to wit: Samuel Patterson, Esq'r, for the County of New Castle; John Banning, Esq'r, for the County of Kent, and John Rodney, Esq'r, for the County of Sussex, thereupon they are declared duly appointed to the said office.

Then the Council adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The bill for the recovery of a sum of money due from Boaz Manlove to the Delaware State, being engrossed, was read and compared at the table and ordered to be sent to the House of Assembly for their examination.

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Ordered, That Mr. Vandyke wait on the House of Assembly with the said bill, and also the bill for the better establishing a Militia in this State.

Mr. Vandyke, being returned, reported that he had waited on the House of Assembly according to order.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., February 22d.

Council met.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled "An act to punish treasons and disaffected persons, &c.," with the amendments proposed by the Council, to all of which the House of Assembly concurred except the 5th, 7th, 8th, 11th and 13th. As to the 14th they propose two amendments. Also the bill entitled "An act to render parts of divers Acts of Assembly and certain law proceedings more conformable to the present Constitution," with the amendments proposed by this House, to all of which the House of Assembly agreed except the 1st.

On motion,

Ordered, That the following message, drawn up at the table, be transcribed, signed by the Speaker and sent to the House of Assembly, to wit:

Gentlemen:

As you have rejected the first amendment proposed to the bill entitled "An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution," without assigning the reasons of your dissent, and the Council still retaining their opinion that the amendment is a

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necessary one to make the recital, in which the amendment is proposed, correspond with the enacting clause providing the remedy, either the one or the other requires an amendment; therefore, to save time, as the session is so near a conclusion, the Council do propose to the House of Assembly a conference of two or more members from each House upon the subject matter of this amendment.

Ordered, That Mr. Bassett wait on the House of Assembly with said message.

Who, being returned, reported that he had delivered the message according to order.

The committee appointed to confer with a committee of Assembly on the subject matter of settling and adjusting the accounts of the officers and privates in the 2d Delaware Battalion of the Flying Camp, commanded by Col. Samuel Patterson, from the time of their enlistment to their being passed by the Commissary of Musters, brought in their report with respect to Thomas Skillington's account, unsettled at a former meeting of said committee, which, by order, was read, and follows in these words, to wit:

"The committee of Council appointed to confer with a committee of Assembly on the subject matter of settling and "adjusting the accounts of the officers and privates in the 2d "Delaware Battalion of the Flying Camp, commanded by Col. "Samuel Patterson, from the time of their inlistment to their "being passed by the Commissary of Musters, at Philadelphia, "do report that they met the committee of Assembly to settle "and adjust the account of Captain Thomas Skillington, who "commanded a company in said battalion (which, by a former "report of said committee is mentioned not to have been laid "before them at their first meeting), and they find the amount "of the same, for pay, subsistence, inlisting, and other charges, "specified in an account of particulars herewith returned, to be "£365 : 9 : 11, which your committee submit to the examination "and correction of Council. And your committee do further "report it as their opinion that a committee of 3 persons be "appointed, two by the House of Assembly and one by the "Council, in each county, to settle what sum of money is due to "each private in the battalion aforesaid, as well for his service

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"from the time of passing muster, at Philadelphia, as for his pay "and subsistence from his inlistment to the time of muster afore- "said; and that such settlements ought to be made by the said "committee, respectively, in presence of the captains and pri- "vates, or their representatives, from time to time, upon 8 days' "notice given of the time and place of meeting by advertise- "ment."

The foregoing report being read the 2d time and considered, passed the Council.

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence.

The report of the same committee as to the other accounts of the same battalion, passed by the House of Assembly the 10th instant, was, by order, read a 2d time and concurred in by the Council.

Ordered, That Mr. Wiltbank deliver the said several reports, together with the accounts therein referred to, to the House of Assembly.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and returned the resolutions of that House respecting Col. Jones's petition for an exclusive right to make salt, &c., with the amendments thereto proposed by the Council, also an amendment proposed by the House of Assembly to their 4th resolution, and delivered the resolutions following, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, A. M., February 22d, 1777.

"On motion,

"*Resolved*, That the Speakers of both Houses be requested "to write to General Washington, informing him of the receipt "of his letter of the 31st of January last; that in consequence "thereof the Legislature of this State have passed an 'An act "against desertion and harbouring deserters, or dealing with "them in certain cases,' which they flatter themselves will an- "swer the intended purpose.

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"That the General Assembly have been informed that Col. "Bedford and Major McDonough decline going into the service "of the army.

"That the recruiting of the Delaware Battalion goes on very "slowly, occasioned, as is apprehended, by the want of the va- "cancies of officers in the said battalion being filled up, and the "great number of parties from other States now recruiting in "this."

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, A. M., February 22d, 1777.

"On motion,

"*Resolved*, That the President be and he is hereby impowered "and directed to issue his proclamation for continuing all offi- "cers, civil and military, in this State, in the full exercise of their "respective offices, according to the present Constitution, until "superceded by new appointments."

Also, the following verbal message, to wit:

"VERBAL MESSAGE TO THE COUNCIL FROM THE ASSEMBLY.

"The House of Assembly have concurred in your proposition "for appointing conferees respecting the 1st amendment proposed "to the bill entitled 'An act to render parts of divers acts of As- "sembly and certain law proceedings more conformable to the "present Constitution,' and have appointed Jacob Moore and "Charles Ridgely, Esquires, for that service."

On motion,

Ordered, That Messrs. Sykes and Bassett be a committee on the part of this House for the purpose aforesaid.

A member of the House of Assembly, attending at the door, was admitted and delivered to the Chair the following orders, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, A M., February 22d, 1777.

"The House resumed the consideration of the petition from "Robert Burton, Leatherberry Barker, William Bagwell, and

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"William Milby, inhabitants of this State, now prisoners in the "goal of Philadelphia, and thereupon

"*Ordered*, That the same be referred to the President and "Commander-in-Chief, who is requested to write to the Council "of Safety of Pennsylvania to permit the petitioners to be "brought into this State, as well as any other subject of this "State who may be now confined, by their order, for any State "offence, except against the State of Pennsylvania, to be dealt "with according to law."

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, P. M., February 21st, 1777.

"The report of the Committee on Publick Accounts was, by "order, read the 2d time and agreed to except the 4th article "thereof, which was recommitted to the same committee."

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The committee appointed to confer with a committee of the House of Assembly respecting the 1st amendment proposed by the Council to the bill entitled "An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution," now report that they had met the committee of conferees and agreed on certain amendments necessary to be made in the said bill, and that they had delivered the same bill to the committee, that the amendments agreed to might be made in the House of Assembly, which this House approves.

A member from the House of Assembly, attending at the door was admitted and returned the bill aforesaid with the concurrence of the House to the amendments made and agreed to by the committee of conferees.

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A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the bill entitled "An act for printing and emitting £15,000 in Bills of Credit of this State to be let out on loan, and for striking the further sum of £10,000 in such bills for the use of this State and for providing a fund for sinking the same," with divers amendments thereto proposed, for the consideration and concurrence of Council.

Also, the following resolution, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., February 22, 1777.

"*Resolved*, That the President, or Commander-in-Chief, be "impowered to draw on the Trustees of the Loan Office for this "State, or any of them, for such sums as have been agreed by "the General Assembly to be due to any person or persons upon "the reports of the committee on accounts liquidated, he taking "receipts for said draughts, out of the sum of £10,000 to be "struck and given for the defence and use of this State in pursu- "ance of an act, passed this session, entitled 'An act for printing "and emitting £15,000 in Bills of Credit of this State to be let "out on loan, and for striking the further sum of £10,000 in "such bills for the use of this State and for providing a fund for "sinking the same.'"

The Council took into consideration the amendments proposed by them to the House of Assembly to the bill entitled "An act to punish treasons and disaffected persons, &c.," and the amendment proposed to the 14th amendment, and do adhere to the same; as to the amendments proposed concurred in.

On motion,

Ordered, That a committee be appointed to draw up a message to the House of Assembly assigning the reasons for adhering to their amendments proposed to the bill aforesaid, and Messrs. Sykes and Bassett were appointed for the purpose.

The committee appointed to draw up a message to the House of Assembly laid one on the table, which was read, and, after some amendments made, transcribed and signed by the Speaker, and is as follows, to wit:

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Gentlemen:

The Council have reconsidered the several amendments proposed by them to the bill entitled "An act to punish treasons and disaffected persons, and for the security of the Government," and not agreed to by the House of Assembly, and do adhere to them severally for the following reasons, that is to say:

As to their 5th amendment, for that the word High, proposed to be struck out in the amendment, is not used in the Statute of 25th of Edward the 3d, stiled the Statute of Treason in Great Britain, the form whereof is evidently made the basis of the present clause, and justly so, as that statute hath been esteemed a good and equitable law between the governor and governed, and the construction thereof clearly ascertained.

As to their 7th amendment, for that it tends to take off the dangerous consequences attending the misconstruction of words or expressions used in common conversation, and preserves freedom of speech and privilege of freemen, whereas the clause to which this amendment is proposed, in the opinion of the Council, will encourage a race of informers, the pest of society, and who always were the engines of tyrants in every State. It is to be hoped that the just cause in which all America is embarked is not to be injured by the speeches of rash, foolish or wicked individuals, or at least they are not to be so much apprehended as the effects of so dangerous a precedent in the infancy of our Government.

The 8th amendment is adhered to as a consequence of the 7th.

As to their 11th amendment, for that, they are of opinion, an increase of the fine and time of imprisonment would equally tend to prevent a breach of the law, and the execution thereof by no means be so disagreeable to humanity. It is frequently found, by experience, that ignominious and disgraceful punishment hardens more offenders than they reclaim.

As to their 13th amendment, because they do conceive that the oath or teste prescribed in the system of government, and recited in this clause, contains, in substance, the whole of the additional teste proposed in the bill, and the Council apprehend it would be wrong, without some evident necessity, thus early to add or

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diminish from that form held out to the people, more especially as the teste prescribed in the system of government, and no other, was taken by the members of the General Assembly, who are in the first department in the State, with whom the people have intrusted their lives, liberties and properties. The Council therefore cannot think it necessary that those persons who are to fill the inferior departments should be obliged to take any other.

These reasons weigh strongly with the Council. Many others might be adduced; but they flatter themselves that when the House of Assembly review the parts of the bill particularly objected to they will adopt the amendments proposed by the Council.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolutions, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., February 22d, 1777.

"The House took into consideration the state of the Fort on "Xtiana River, in the Borough of Wilmington, together with the "publick powder and other military stores kept in the magazines "in the said fort, and, on motion,

"*Resolved*, That the said fort, together with the powder and "other military stores be put under the command and care of a "Fort Major, two Sergeants and twelve privates, to be immedi- "ately raised, paid and supported at the expense of the State, "until discharged by the General Assembly thereof.

"That the pay of the said troops per kalender month be as follows:

"To { Fort Major, 18 dollars.
Each Sergeant, 8 dollars.
" Private, 5 "

"That in lieu of rations, each person be allowed 10s. per week "for his subsistence, and the commanding officer to have double "that sum.

"*Resolved*, That Capt. Ralph Walker, of the Borough of Wil- "mington, be appointed Fort Major (instead of Mr. Charles West,

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"late Fort Major, who is rendered incapable of that office), and "that he be commissioned by the President and Commander-in-"Chief accordingly; which said Fort Major shall forthwith inlist "the number of persons above mentioned, who, from the time "of inlistment, shall receive the pay and subsistence aforesaid.

"*Resolved*, That the said Fort Major take under his care and "direction any fire-rafts that may be built or brought into this "State, and be subject to the command of the President or Com-"mander-in-Chief."

On motion,

Ordered, That Mr. Wiltbank wait on the House of Assembly with the following papers, to wit:

The bill entitled "An act to punish treasons, &c.," and message assigning the reasons of Council for adhering to the amendments proposed to the said bill;

The bill entitled "An act to render divers acts of Assembly, &c., more conformable to the present Constitution;"

The report of the Committee on Publick Accounts, with the concurrence of Council;

The resolutions of the House of Assembly respecting the appointment of a Fort Major, and concurrence of Council thereto;

The resolutions on Col. Jones's petition respecting salt works, with the further amendments proposed by Council;

The resolution impowering the President to issue his proclamation for continuing officers, with concurrence of Council;

The resolution upon the petition of Robert Burton and others, with concurrence of Council.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the report of the committee on Capt. Skillington's account, and resolution of Council thereon, with the concurrence of the House of Assembly, and appointment of David Finney, Esq., and Col. George Latimer a Committee for the County of New Castle; Messrs. John Prior

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and French Battle for the County of Kent, and Isaac Horsey, Esq'r, and Mr. John Tenant for the County of Sussex, for the service therein proposed.

[Vide the report for persons appointed on the part of Council, and enter it.] *

Also, the resolutions respecting salt works, with concurrence of the House of Assembly to the amendment last proposed by the Council to the 4th resolution instead of the amendment proposed by the House of Assembly, which being made, the said resolutions are as follows, to wit:

"*Resolved*, 1. That the sum of one thousand pounds be let "by this State upon loan to the said Col. John Jones (the better "to enable him to carry into execution his intention of erecting "salt works in this State, at or near Indian River, in Sussex "County,), he, the said John Jones, giving bond, with sufficient "sureties, for the payment of that sum at the expiration of five "years from the date of said bond.

"2. That for the further encouraging the said Col. Jones in "prosecuting his intentions and erecting said works for manu- "facturing the useful article of salt, this State should engage to "purchase or take of him the quantity of ten thousand bushels "of salt, at the rate of five shillings per bushel, annually for the "space or term of five years, in consideration of which,

"*Resolved*, 3. That the said Col. John Jones ought to engage "and bind himself, his executors and administrators, to deliver, "for the use of this State, to such person or persons as the "President shall appoint, all the salt that by him shall be manu- "factured or made therein (at the place where the salt works "shall be erected), for the space or term of five years aforesaid, "at the rate of five shillings per bushel, so that the quantity in "any one year during that term does not exceed ten thousand "bushels; and that he should be bound and obliged to deliver, "in each and every year during the term aforesaid, at the manu- "factory aforesaid, for the use of this State, the quantity of three "thousand bushels of salt, manufactured therein at the rate afore- "said.

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*This report does not appear on the record.

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"4. That upon the said Col. John Jones complying with the "conditions herein before expressed to be by him entered into "and performed, that he, the said Col. John Jones, his executors, "administrators and assigns, ought to have the exclusive right of "making salt in this State for sale for and during the last four "years of the term aforesaid; and that he may dispose of and sell "to such person or persons as he pleases, and at such prices as "he can get, all the overplus salt he shall make after furnishing "the State with the aforesaid quantity of ten thousand bushels "annually for the term of five years aforesaid.

"5. That the said sum of one thousand pounds be drawn for "by the President out of the ten thousand pounds granted by "the present General Assembly for the use of the State, under "whose direction the bond aforesaid from the said John Jones "and his sureties shall be taken, with the further condition that "the same shall be payable at the end of any one year during "which the said John Jones shall fail to supply the aforesaid "quantity of three thousand bushels of salt.

"6. That if the said John Jones shall neglect to make appli- "cation for the said draught, or to execute his bond on or before "the 20th day of April next, that the encouragement proposed "to be given to him shall cease."

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following acts and resolutions of the House of Assembly, to affix the Great Seal to the same, to wit:

"In Assembly, February 22d, 1777, P. M.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of this State to the following laws, to wit:

"1. 'An act for supporting and establishing certain Bills of "Credit issued by the Congress of the United States of America, "and to prevent the counterfeiting of the same and certain lottery "tickets issued by their authority, certificates of the Continental "Loan Office, and other bills of credit;'

"2. 'An act for aiding the discontinuance of the process in "the Supreme Court, and for altering the times of holding the

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"said court and also the Courts of Quarter Sessions of the Peace "and Goal Delivery and Courts of Common Pleas ;'

"3. 'An act for printing and emitting £15,000 in Bills of "Credit of this State to be let out on loan, and for striking the "further sum of £10,000 in such bills for the use of this State, "and for providing a fund for sinking the same ;'

"4. 'An act for the recovery of a sum of money due from "Boaz Manlove, of the County of Sussex, to the Delaware "State ;'

"5. 'An act for establishing a Militia in this State ;'

"6. 'An act for ascertaining the salaries and allowances to "the officers and persons herein mentioned employed in the "Government of this State and for the providing a fund for the "payment thereof ;'

"7. 'An act to render parts of divers acts of Assembly and "certain law proceedings more conformable to the present Con-"stitution ;'

"8. 'An act against desertion and harbouring deserters, or "dealing with them in certain cases.' "

The House took into consideration the report of the Committee on Publick Accounts, and divers amendments being proposed to the 1st report and agreed to, the same were transcribed.

Ordered, That Mr. Vandyke wait on the House of Assembly with the said amendments and following papers, to wit :

1st and 2d report of Committee on Public Accounts, with the papers therein referred to ;

The resolutions of the House of Assembly requesting the Speakers of both Houses to write to General Washington, with the amendments thereto proposed and papers therein referred to;

The resolutions of the House of Assembly impowering the President to draw for the sums appropriated by the General Assembly, with the concurrence of Council.

Mr. Vandyke, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

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A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the report of the committee for adjusting the accounts of the officers and privates of the 2d Delaware Battalion, with the amendments proposed, and David Finney, George Latimer, and John Thompson are appointed a committee for the County of New Castle; John Prior and French Battle for the County of Kent, and Isaac Horsey and John Tenant for the County of Sussex, for the service aforesaid.

The House proceeded to the choice of 2 Privy Counsellors, when it appeared that Thos. McDonough and George Latimer were duly elected.

On motion,

Ordered, That a certificate of the appointment aforesaid be drawn up and sent to the House of Assembly for their concurrence, which was done, and is as follows, to wit:*

Ordered, That the bills passed this session be signed by the Speaker and returned to the House of Assembly.

Ordered, That Mr. Wiltbank wait on the House of Assembly with the said bills and certificate, also the report of the Committee for Publick Accounts.

Mr. Wiltbank reported that he had waited on the House of Assembly according to order.

A member from the House of Assembly, attending at the door, was admitted and returned the resolutions of that House requesting the Speakers of both Houses to write to General Washington, with the amendments thereto proposed. As to the 1st and 2d, acceded to; as to the rest, propose an amendment,

Which was agreed to.

Also, the following resolution, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., February 22d, 1777.

"*Resolved*, That the Council be informed that this House, "apprehending the business before the General Assembly may

* The certificate was left out by the Clerk.

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"be brought to a conclusion to-day, propose to adjourn to Mon-"day, the 2d June next."

A member from the House of Assembly, attending at the door, was admitted and delivered the amendments proposed by the House of Assembly to the amendments proposed by the Council to the resolution directing the Speakers of both Houses to write to General Washington.

Also the following verbal message, to wit:

"VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY TO "THE COUNCIL.

"The House has ordered the Speaker to sign any draught that "may be presented by the Speaker of Council for the payment "of the expenses of the session."

On motion,

Ordered, That the following verbal message be transcribed, signed by the Speaker, and sent to the House of Assembly, to wit:

Gentlemen:

The Council have been so engaged*

Ordered, That Mr. Vandyke wait on the House of Assembly with the following papers, to wit:

The resolutions of the House of Assembly respecting salt works, and resolutions requesting the Speakers of both Houses to write to General Washington, as amended;

Letters from the President of Congress, inclosing sundry resolutions respecting Continental currency, and requesting an immediate representation from this State in Congress;

The report of the committee on Capt. Skillington's account, with concurrence of Council, and appointment of John Thompson, Esq., for the County of New Castle; John Cook, Esq., for the County of Kent, and William Polk, Esq., for the County of Sussex, on the part of this House for the purpose aforesaid.

* The above is just as it is in the original.

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Mr. Vandyke reported that he had waited on the House of Assembly according to order.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill to punish treasons and disaffected persons, &c., with the amendments proposed by this House, to all of which the House of Assembly agreed.

Also, delivered the following verbal message, to wit:

A VERBAL MESSAGE TO THE COUNCIL FROM THE ASSEMBLY.

Gentlemen:

The Assembly are so straitened *

The bill to punish treasons, &c., as amended, was read and compared at the table. Agreed that the same be enacted into a law.

Ordered, That the Speaker subscribe the same, which was done accordingly.

Ordered, That Mr. Bassett wait on the House of Assembly with the said bill as signed by the Speaker.

A member from the House of Assembly, attending at the door, was admitted and returned the certificate, &c., of the appointment of the Delegates to Congress, with their concurrence.

The Council took into consideration their expenses this session, and thereupon

Resolved, That there be paid to the members of Council:

For New Castle County, for personal expenses by them incurred, to wit: 3 members, 42 days, . . .	£	74	17 9
To the members of Kent County, for same, ...		78	17 9
To the members of Sussex County, for same, . . .		82	17 9
To Slator Clay, Clerk of Council, for 40 days' attendance, &c., @ 7s. 6, ...		20	17 6
Carried over, ...	£	257	10 9

* The above is according to the manuscript record.

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Brought over, ...	£257 10 9
To Jas. Firth, Messenger to Sussex, ...	2 10 0
To Robert McIlheron, the same to camp, ...	10 0 0
To Robert Booth, Messenger to summon witnesses, .	1 13 0
	£271 13 9

Ordered, That the same be transcribed and sent to the House of Assembly for concurrence, which was done accordingly.

Then the Council adjourned to the 6th day of June next.

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MINUTES OF COUNCIL.

MAY, 1777.

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MINUTES OF THE COUNCIL

OF THE DELAWARE STATE.

NEW-CASTLE-ON-DELAWARE,

THURSDAY, May 1st, 1777.

Council met in pursuance of a summons from his Excellency John McKinley, Esquire, President and Commander-in-Chief.

A quorum of members not having attended, adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., May 2d, 1777.

Council met.

It appears by the returns of the Sheriffs and Inspectors of the Counties of Kent and Sussex that, pursuant to a writ from the Speaker, an election was held on the 25th April last, at the usual places of election, for the choice of members of Council in the room of William Polk and John Wiltbank, Esquires, who are appointed Justices of the Court of Common Pleas and Orphans'

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Court for the County of Sussex, and James Sykes, Esquire, who is appointed one of the Justices of the Supreme Court of this State, when the following gentlemen were chosen, to wit:

FOR THE COUNTY OF SUSSEX,

John Jones,
Samuel Shelton Sloss.

FOR THE COUNTY OF KENT,

John Baning.

Adjourned till to-morrow morning.

SATURDAY, A. M., May 3d.

Council met.

A member from the House of Assembly delivered the following message from his Excellency the President to the General Assembly, to wit:

A MESSAGE FROM THE PRESIDENT TO THE GENERAL ASSEMBLY.

"*Gentlemen:*

"I herewith send you sundry resolutions of Congress of the "14th ultimo, recommending measures to the Legislatures of "each of the United States for the more speedy furnishing their "several quotas of troops, together with a circular letter addressed from the President thereof to the Assembly of this "State, both of which were transmitted to me on the 19th following; and Congress deeming it necessary that the several "Legislatures should cause those measures to be put in execu-

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"tion before the 15th day of this month, I have thought it my "duty, with the advice of the Privy Council, to call you together "at this time."

Adjourned till Monday morning.

MONDAY, A. M., May 5th.

Council met.

A quorum of members not attending, all business was postponed till Wednesday.

WEDNESDAY, A. M., May 7th.

Council met. Present—All the members except Messrs. Cantwell, Jones, Sloss, and Dingee.

Mr. Baning took and subscribed the oath and declaration as prescribed by the Constitution.*

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*The oath, &c., here mentioned, are given in the "Qualification Book," with the signature of the member thereto, as follows:

I [A. B.] will bear true allegiance to the Delaware State, submit to its Constitution and Laws, and do no act, wittingly, whereby the freedom thereof may be prejudiced.

I [A. B.] do profess faith in God the Father, and in Jesus Christ his only Son, and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.

JOHN BANING.

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A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolution of that House, to wit:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., May 7th, 1777.

"*Resolved*, That no officer, or other person (not being there-"unto particularly authorized by Congress, or his Excellency "General Washington, in pursuance of a resolve of Congress), "shall be permitted to enlist any recruit within this State for any "other State until the quota of troops of this State is completed."

Which, being read, was ordered to lie on the table for consideration.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The resolution of the House of Assembly under consideration in the forenoon was read the second time and concurred in.

Ordered, That Mr. Bassett wait on the House of Assembly with the resolution aforesaid and concurrence of Council thereto.

Mr. Vandyke prayed leave of absence till to-morrow afternoon. The same was granted.

Mr. Bassett, being returned, reported that he had waited on the House of Assembly according to order.

Adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, A. M., May 8th.

Council met.

Mr. Cantwell, a member of this House, appeared and took his seat.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled

"An act for the more speedily completing the quota of troops to be raised in this State for the Continental army,"

Which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Speaker being indisposed, adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., May 9th.

Council met, and resumed the consideration of the bill "for the more speedily completing the quota of troops to be raised in this State for the Continental army," which was read the second time, and, after some time spent therein, was postponed till the afternoon.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

The bill under consideration in the forenoon was taken up, and divers amendments being proposed and agreed to, the same were transcribed and sent to the House of Assembly for their concurrence.

Ordered, That Mr. Collins wait on the House of Assembly with the said bill and amendments thereto proposed for their consideration and concurrence.

Mr. Collins, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a bill entitled

"An act for the holding the General Assembly at Dover, in the County of Kent."

By order read the first time.

Also, sundry resolutions of that House, to wit:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., May 9th, 1777.

"*Resolved unanimously*, That it is a daring invasion of the "rights and liberties of the people of this State for any person or "persons to impress any of the inhabitants thereof, or persons "therein residing, either into the sea or land service of the United "States of America, or any of them, under colour of authority "derived from any State, or man, or body of men whatever, ex- "cept the Legislature of this State.

"*Resolved unanimously*, That the President and Commander- "in-Chief be requested to cause to be apprehended and prose- "cuted, according to law, any person or persons who shall pre- "sume to violate the above resolution, and, if necessary, that the "Militia be called in to support the civil authority in apprehend- "ing such offenders."

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Which, by order, was read the first time.

The Speaker laid before the Council a letter received by him in the late recess of the General Assembly from the Honorable John Hancock, Esquire, President of Congress, inclosing an attested copy of the Declaration of Independency of the Thirteen United States of America, with the names of the Members of Congress subscribing the same.

And the same being read by order,

Resolved unanimously, That for the better preserving the said act of independency and as a lasting testimony of the approbation thereof by the representatives of the people of this State in General Assembly met, the same be entered at large on the minutes of the respective Houses of this present General Assembly, and afterwards lodged in the rolls office among the laws and other publick acts of this State.

IN CONGRESS, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident—That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient

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causes; and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former system of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation, till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise, the state remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

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He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us.

For protecting them by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with the power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

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He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time, of attempts by their legislature to extend an unwarratable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these unsurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necesity which denounces our separation, and hold them as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the represenatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the world, for the recitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies, are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain, is, and ought to be, totally disolved; and that as free and independent States they have full power to levy war, con-

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clude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor.

The foregoing declaration was, by order of Congress, engrossed, and signed by the following members:

JOHN HANCOCK.

NEW HAMPSHIRE.

JOSIAH BARTLETT,
WILLIAM WHIPPLE,
MATTHEW THORNTON.

MASSACHUSETTS BAY.

SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE,
ELBRIDGE GERRY.

RHODE ISLAND, &c.

STEPHEN HOPKINS,
WILLIAM ELLERY.

CONNECTICUT.

ROGER SHERMAN,
SAMUEL HUNTINGTON,
WILLIAM WILLIAMS,
OLIVER WOLCOTT

NEW YORK.

WILLIAM FLOYD,
PHILIP LIVINGSTON,
FRANCIS LEWIS,
LEWIS MORRIS.

NEW JERSEY.

RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINSON,
JOHN HART,
ABRAHAM CLARK.

PENNSYLVANIA.

ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN MORTON,
GEORGE CLYMER,
JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS.

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DELAWARE.

CÆSAR RODNEY, GEORGE READ, THOMAS M'KEAN.

MARYLAND.

SAMUEL CHASE, WILLIAM PACA, THOMAS STONE, CHAS. CARROLL, of Carrollton.

VIRGINIA.

GEORGE WYTHE, RICHARD HENRY LEE, THOMAS JEFFERSON, BENJAMIN HARRISON, THOMAS NELSON, JR., FRANCIS LIGHTFOOT LEE, CARTER BRAXTON.

NORTH CAROLINA.

WILLIAM HOOPER, JOSEPH HEWES, JOHN PENN.

SOUTH CAROLINA.

EDWARD RUTLEDGE, THOMAS HEYWARD, THOMAS LYNCH, JR., ARTHUR MIDDLETON.

GEORGIA.

BUTTON GWINNETT, LYMAN HALL, GEORGE WALTON.

Ordered, That Mr. Bassett wait on the House of Assembly with the letter from the President of Congress and the attested copy of the Act of Independence, together with the foregoing resolution for their approbation and concurrence.

Mr. Bassett, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill entitled "An act for the more speedily completing the quota of troops, &c.," with the amendments proposed by this House to the said bill, to all of which the House of Assembly agreed except the 1st, 2d, 3d and 4th, and request that a committee of Council may be appointed to confer with a committee of the House of Assembly upon the said amendments not acceded to.

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And the said proposal for a committee of conference being taken into consideration, Mr. Bassett, Mr. Cantwell, and Mr. Collins are appointed on the part of this House for that purpose.

Mr. Collins, a member of this House, and one of the commissioners appointed by the President and Council of this State to meet commissioners appointed by the States of New York, New Jersey, Pennsylvania, Maryland, and Virginia, at York town, in Pennsylvania, in pursuance of a resolve of Congress, for the purpose of considering and forming a system adapted to the said States for regulating the price of labour, of manufactures, and of internal produce within those States, and of goods imported from foreign parts, except military stores, laid a copy of the proceedings of the said commissioners before the Council.

On motion and order the same was read.

Ordered, That the same be sent to the House of Assembly for their perusal, and that Mr. Collins deliver the same.

Mr. Collins, being returned, reported that he had waited on the House of Assembly according to order.

On motion, by special order,

The resolutions of the House of Assembly were read the second time and concurred in.

Ordered, That Mr. Bassett wait on the House of Assembly with the said resolutions and concurrence of Council thereto.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

Ordered, That the following verbal message be transcribed, signed by the Speaker, and sent to the House of Assembly, to wit:

VERBAL MESSAGE TO THE HOUSE OF ASSEMBLY FROM THE COUNCIL.

Gentlemen:

The Council have acceded to your proposal for a conference, by committees to be appointed by both Houses, on the subject matter of the four first amendments proposed by the Council to

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the bill for the more speedily completing the quota of troops to be raised in this State for the Continental army, and have appointed Messrs. Cantwell, Bassett, and Collins, on the part of the Council, a committee for the purpose aforesaid.

Ordered, That Mr. Bassett wait on the House of Assembly with the the forgoing message.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a verbal message appointing Messrs. Ridgely, Finney, and Clowes, on the part of that House, a committee of conference respecting the amendments not acceded to.

Which, by order, was read.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., May 10th.

Council met.

Mr. Vandyke appeared and took his seat.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair

"A supplement to an act entitled 'An act for regulating innholders, tavern-keepers, and other publick house keepers within this Government, and impowering the Justices to settle the rates of liquors.'"

Also returned the resolution of this House as to the Act of Independency of the United States of America.

On motion, by order,

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The "Supplement to an act entitled 'An act for regulating inn-holders, tavern-keepers, and other publick house keepers within this Government, &c.,'" was read the first time and ordered to lie on the table for consideration.

The Council took into consideration their 1st, 2d, 3d and 4th amendments proposed by them to the bill entitled "An act for the more speedily completing the quota of troops to be raised, &c.," and do recede from the same.

On motion,

Ordered, That a committee be appointed to draw up a message to the House of Assembly assigning the reasons for proposing said amendments, and Messrs. Vandyke, Bassett, and Cantwell were appointed a committee for that purpose.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The committee appointed to draw up a message to the House of Assembly laid one on the table, which was read, and, after some amendments made, was transcribed and signed by the Speaker, and is as follows, to wit:

A MESSAGE FROM THE COUNCIL TO THE ASSEMBLY.

Gentlemen:

As the committee of conferees appointed by the two Houses on the subject matter of the four first amendments proposed by the Council to the bill for the more speedily completing the quota of troops to be raised in this State for the Continental army have come to no determination thereon, and the advantage which might arise to the United States by the filling up said quota of

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troops must be totally lost should no mode to effect the same be adopted by the General Assembly at their present sitting, the Council think it necessary to recede from their said proposed amendments; but at the same time, in justice to themselves, deem it their duty to inform your honorable House of the reasons which induced them to propose said amendments, and which still strongly impress their minds, to wit:

That the exemptions from all service in the Militia on a recruit being procured by any two persons will induce many to offer considerable sums in addition to the bounty allowed by Congress, which will effectually put an end to the enlistment of men by any commissioned officer of said battalion, except for such who may wish to purchase exemptions.

That such exemptions will tend to discourage the Militia, as the procuring recruits in that mode can only be adopted by those who may be in easy circumstances. This will occasion dissatisfaction and murmuring among others who are not so fortunate as to be able to take advantage thereof.

That every step having a tendency to discourage the bulk of the people, or lessen their confidence in a number of their fellow-citizens, ought to be carefully avoided, as the success of the present righteous struggle chiefly depends on unanimity and confidence being supported among all ranks of people. The mode prescribed in the bill may, for many reasons, not be so injurious in a large and populous State. Our case is different. We have a long and extended frontier and few to guard it. Every exertion must be made to spirit up that few. The numbers are such that they will not bear much diminution, particularly of those of whom most may be expected.

That if a number of suitable persons in this State, in addition to the officers of the Delaware Battalion, were authorized to recruit and a bounty given to them, with a further allowance for the subsistence of recruits, the quota of troops for this State might be made up, and a defection in the Militia not risqued.

Ordered, That Mr. Baning wait on the House of Assembly with the bill and forgoing message.

Who, being returned, reported that he had waited on the House of Assembly according to order.

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A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair

"A supplement to the act entitled 'An act for establishing a Militia in this State,' "

Which, by order, was read the first time.

On motion, by special order,

The supplement to the act entitled "An act for establishing a Militia in this State," was read the 2d time, and, after some time spent therein, was agreed to.

Ordered, That Mr. Baning wait on the House of Assembly with the bill.

Who, being returned, reported that he had delivered the bill according to order.

On motion, by special order,

The bill entitled "An act for holding the General Assembly at Dover, in the County of Kent," was read the 2d time, and an amendment being proposed the same was transcribed and sent to the House of Assembly for their concurrence.

The supplement to an act entitled "An act for regulating inn-holders, tavern-keepers, and other publick house keepers within this Government," was read the 2d time and concurred in.

Ordered, That Mr. Vandyke wait on the House of the Assembly with the two foregoing bills and amendment proposed to the former.

Mr. Vandyke, being returned, reported that he had waited on the House of Assembly according to order.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled

"An act for the holding the General Assembly at Dover, in the County of Kent,"

With the amendment thereto proposed, to which the House of Assembly agreed.

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The Council consent that the said bill be enacted into a law.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a message from the President to the General Assembly, inclosing sundry resolutions of Congress, to wit:

"*Gentlemen:*

"I herewith send you some resolutions of the Honorable "Congress of the 19th ultimo, transmitted to me by the Presi- "dent, recommending measures to the Legislative and Executive "authorities of this State and the State of Maryland to avert the "imminent danger of an insurrection in the Counties of Somerset "and Worcester, in the State of Maryland, and to prevent their "being joined by disaffected persons in the County of Sussex, in "this State, and to enact laws appointing commissioners to take "charge of the estates of such as may be removed. In conse- "quence whereof, with the advice of the Privy Council, I wrote "to some principal gentlemen in the County of Sussex and to "the commanding officers of the Militia adjacent to Worcester "County, desiring them respectively to make the most speedy "and strict inquiries respecting the danger apprehended from "Sussex County, and that they would, as soon after as possible, "let me know the result. In answer to which, I have been in- "formed by those gentlemen severally that the inhabitants of "that county are very quiet, and that they imagined the sus- "picion as to them was not well founded, save one of the gen- "tlemen, who refers me to be informed by Mr. John Clowes, a "member of the House of Assembly, with whom I have had an "opportunity to converse on that subject, but from whom you "can much better immediately receive that information."

Also, sundry resolutions of the House of Assembly, founded upon the report of their committee to whom were referred the foregoing message and its inclosures.

Also, a verbal message informing the Council that the House of Assembly propose to adjourn to-morrow morning till the 2d June next.

On motion, .

Ordered, That the resolutions of the honorable House of Assembly, founded on the message of his Excellency the President

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and sent to the Council, be referred to a committee of two to report thereon.

And Messrs. Vandyke and Bassett are appointed a committee for that purpose.

Adjourned till Monday morning, 10 o'clock.

MONDAY, May 12th, 1777.

Council met.

Mr. Dingee, a member of this House, appeared and took his seat, and assigned his reason for not attending sooner, which was deemed sufficient.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the two following engrossed bills for the examination of Council, to wit:

The bill entitled "An act for the more speedily completing the quota of troops to be raised in this State for the Continental army."

Also, a supplement to the act entitled "An act for establishing a Militia in this State."

Which, being severally examined and compared, the Council consent that the said bills be enacted into laws.

Ordered, That Mr. Vandyke wait on the House of Assembly with the said bills.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

The committee appointed to consider the resolutions of the honorable House of Assembly, founded on the message of his Excellency the President, have taken the same into consideration

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and beg leave to report the following resolutions to be adopted instead thereof : *

And the said resolutions reported by the committee of Council being read and considered, were agreed to be adopted in the stead of the resolutions sent from the House of Assembly, and ordered to be sent to that House for their consideration and concurrence.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolution of that House, to wit :

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, A. M., May 12th, 1777.

"On motion,

"*Resolved*, That this House will, before dinner, adjourn to the "2d day of June next."

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the resolutions reported by the committee of Council and agreed to be adopted in the stead of the resolutions of the House of Assembly, founded on the President's message, with divers amendments thereto proposed, which were concurred in, to wit : †

Also, the following bills passed this session, to wit :

"An act for the holding the General Assembly at Dover, in the County of Kent ;"

"A supplement to an act entitled 'An act for regulating innholders, tavern-keepers, and other publick house keepers within this Government, and impowering the Justices to settle the rates of liquors ;' "

"An act for the more speedily completing the quota of troops to be raised in this State for the Continental army ;"

"A supplement to an act entitled 'An act for establishing a Militia in this State ;' "

* The Clerk left a blank space for, but neglected to copy these resolves into his journal.

† These amendments do not appear on the manuscript journal.

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Which were signed by the Speaker.

Ordered, That Mr. Collins wait on the House of Assembly with the above laws and resolution aforesaid, as amended.

Mr. Collins, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a resolution of that House impowering the President to affix the Great Seal of this State to the different bills passed this session.

Which was concurred in.

Ordered, That the above resolution be signed by the Speaker and returned to the House of Assembly.

And Mr. Vandyke was appointed for that purpose, who, being returned, reported that he had waited on the House of Assembly according to order.

Then the Council took into consideration the state of their expenses, and they find

New Castle County's quota	£	24	7 11
Kent County's "		24	7 11
Sussex County's "		24	7 11

Adjourned till 2d June.

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MINUTES OF COUNCIL.

JUNE, 1777.

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MINUTES OF THE COUNCIL

OF THE DELAWARE STATE.

NEW-CASTLE-ON-DELAWARE,
MONDAY, June 2d, 1777.

Council met according to adjournment.

A quorum of members not attending, adjourned till to-morrow morning, 10 o'clock.

TUESDAY, June 3d.

Council met. Present all the members, except Mr. Vandyke.

Messrs. Sloss and Jones, being elected in the stead of William Polk and John Wiltbank, Esquires, who were appointed Justices of the Court of Common Pleas and Orphans' Court in Sussex County, took and subscribed the oath and declaration as prescribed by the Constitution.*

* The oath, &c., here mentioned, are given in the "Qualification Book," with the signature of the members thereto.

I [A. B.] will bear true allegiance to the Delaware State, submit to its Constitution and Laws, and do no act, wittingly, whereby the freedom thereof may be prejudiced.

I [A. B.] do profess faith in God the Father, and in Jesus Christ his only Son,

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A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolutions of that House, to wit:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., June 3d, 1777.

"On motion,

"*Resolved*, That this House propose to put in nomination, to-morrow afternoon, persons qualified to be Judges of the Supreme Court for this State, in the room of Richard M. William and Cæsar Rodney, Esquires, elected on the 21st day of February last first and second Justices of the said Court, who have declined accepting of the same offices; and James Sykes, Esquire, elected, at the same time, third Justice thereof, he having since that time accepted of the Clerkship of the Courts of Common Pleas and Quarter Sessions for the County of Kent, and thereby being rendered incapable of holding the said office; and also for the office of Judge of the Admiralty, in stead of Nicholas Vandyke, Esquire, who was elected thereto on the aforesaid day, and hath since declined to accept thereof; and that the Council be requested to concur herein."

Which, by order, was read the first time.

On motion, by special order, the same was read the 2d time and concurred in.

Ordered, That Mr. Bassett wait on the House of Assembly with the resolution aforesaid and concurrence of Council thereto.

Who, being returned, reported that he had waited on the House of Assembly according to order.

Ordered, That a certified copy of the above resolution be delivered to his Excellency the President.

Adjourned till to-morrow.

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and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.

SAMUEL SHELTON SLOSS.
JOHN JONES.

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WEDNESDAY, P. M., June 4th.

Council met.

A committee from the House of Assembly, attending at the door, were admitted and informed the Council that the House of Assembly is now ready to proceed to the nomination of Justices of the Supreme Court and a Judge of the Admiralty, agreeable to the resolution of both Houses.

The Council proceeded to the State House and there met the House of Assembly, when divers persons were put in nomination for the respective offices of Justices of the Supreme Court and Judge of Admiralty for this State, to be balloted for to-morrow at 3 o'clock, P. M.

Ordered, That notice thereof be forthwith given to the President.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled

"An act for aiding the discontinuance of the process in the Courts of Quarter Sessions for the Counties of New Castle and Sussex, &c."

Which, by order, was read the first time.

On motion,

Ordered, That Col. Jones and Major Sloss be of the Committee for Publick Accounts.

Ordered, That Mr. Bassett wait on the House of Assembly with a copy of the above order.

On application of Col. Collins for leave of absence till to-morrow morning, the same was granted.

Adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, June 5th.

Council met.

Mr. Speaker laid on the table a message from his Excellency the President, together with a certified copy of the report of those persons who were appointed to go into the County of Sussex to make inquiry into the present disposition of the inhabitants thereof, and sundry resolutions of Congress of the 29th of April and the 12th and 19th of May last; which message is as follows, to wit:

"*Gentlemen:*

"In pursuance of your resolution of the 12th of last month "I, together with the Privy Council, did appoint John Thompson, Thomas Collins, and John Cook, Esquires, to go into the "County of Sussex for the purposes in that resolution expressed, "in consequence whereof I received, the evening before last, a "report, in writing, signed by two of the aforesaid gentlemen; "whereupon I convened the Privy Council yesterday and laid "the same before them, and now, with their advice, I herewith "send you a copy of that report.

"Since the last sitting of your honorable Assembly I received "some resolves of Congress, to be laid before you. One of "those resolutions, of the 29th of April last, recommends the "adjustment of the accounts for recruiting the Continental Battalion of this State, that the same may be transmitted to the "Treasury Board. Another of those resolutions, of the 12th of "May last, recommends to the Legislature to exempt from military duties all persons who are immediately concerned in the "business of the post office; and another of them, of the 19th "of the same month, recommends that the Legislature should "make provision, by law, for marching the Militia out of this "State when the service shall so require it."

Which, being severally read, were referred for consideration.

The bill for aiding the discontinuance of the process in the

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Courts of Quarter Sessions for the Counties of New Castle and Sussex was, upon motion and order, read the 2d time.

Resolved, That the same bill be committed to a committee of three.

The persons chosen, Messrs. Bassett, Jones, and Collins.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The Council, according to the order of the day, met the President of the State and the House of Assembly in the State House, and the President and members of both Houses having prepared tickets with the names of the Justices of the Supreme Court to be appointed for the State and put the same into the ballot-box, the Speakers of the two Houses, in presence of the President and the other members, examined the ballot-box, and it appearing that there was a majority of votes in favor of William Killen, Esquire, as Chief Justice of the said Court, and a majority of votes in favor of John Evans, Esquire, as second Justice of the said Court, and a majority of votes in favor of John Cook, Esq'r, as third Justice of said Court,

Whereupon the said William Killen, John Evans, and John Cook are declared duly elected and appointed Justices of the Supreme Court for the State.

Then the President and members of both Houses proceeded, in like manner, to ballot for a Judge of Admiralty, and it appearing that there was a majority of votes in favor of Cæsar Rodney, Esquire,

Thereupon the said Cæsar Rodney is declared duly elected and appointed Judge of Admiralty.

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, A. M., June 6th.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a resolution of that House to put in nomination, to-morrow afternoon, persons qualified to be Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, in the room of Thomas Tilton, Esquire, who hath declined accepting of the same office.

Which, by order, was read the 1st time.

The committee to whom the act for aiding the discontinuance of the process in the Courts of General Quarter Sessions of the Peace, &c., in the Counties of New Castle and Sussex, was committed, report sundry amendments thereto, which were agreed to, and ordered to be transcribed and sent to the House of Assembly for their consideration.

The resolution of the House of Assembly respecting the nominating persons qualified to be Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, &c., was read the 2d time, and thereupon

Ordered, That the following verbal message be transcribed, signed by the Speaker, and sent to the House of Assembly, to wit:

A VERBAL MESSAGE FROM THE COUNCIL TO THE ASSEMBLY.

Gentlemen:

The Council beg to know in what way it doth appear to the House of Assembly that Thomas Tilton, Esq., of Kent County, lately elected Chief Justice of the Court of Common Pleas and Orphans' Court for that county, hath declined accepting of the same office, or what evidence the House of Assembly hath of that fact.

Ordered, That Major Sloss wait on the House of Assembly

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with the above bill and amendments thereto proposed, also the resolution and verbal message.

Major Sloss reported that he had waited on the House of Assembly according to order.

The Council taking into consideration the resolves of the Honorable the Congress of the 29th of April last relating to the settlement of the accounts for recruiting the Continental Battalion of this State, mentioned in a message from the President of the 5th instant, thereupon

Resolved, That George Latimer and Robert Bryan, Esquires, be a committee to state an account of the monies advanced for recruiting the Continental Battalion belonging to this State, together with the names of the officers to whom the same were advanced, and to transmit the same to the Paymaster of the said battalion.

On motion,

Ordered, That the Paymaster forthwith call the said officers to account for such monies, agreeable to the resolutions of Congress aforesaid.

Ordered also, That the said Paymaster afterwards lay before the said committee a state of the said accounts, together with the vouchers to be produced, for their examination.

Ordered, That Mr. Baning wait on the House of Assembly with a copy of the above resolution and orders, and propose to them the appointment of a committee of the House of Assembly to join the committee of Council in the business aforesaid, if they think proper.

Ordered also, That the said George Latimer and Robert Bryan be appointed a committee to state an account of expenditures by this State for and on behalf of the Continent, in the stead of Messrs. Sykes and Vandyke, the former committee, who are absent, and now discharged from that service.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a resolution of that House appointing Mr. Lockwood and Mr. Horsey a Committee of Accounts for the present year.

Also, a resolution to adjourn to-morrow evening until the thirtieth day of September next.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., June 7th.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following verbal message, to wit:

"*Gentlemen:*

"In answer to your verbal message of yesterday, delivered "by Mr. Sloss, begging to know in what way it doth appear to "the Assembly that Thomas Tilton, Esquire, hath declined ac- "cepting of the office of Chief Justice of the Court of Common "Pleas and Orphans' Court for the County of Kent, or what "evidence the House have of that fact, the Assembly inform "the Council that two of the members of their House, namely "Messrs. Stout and Cook, gave the House to understand that "they had frequently conversed with Mr. Tilton upon the subject "of his appointment aforesaid, and requested him to qualify to

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"the said commission, and one of them very lately, and that he "never gave them any reason to believe he intended to qualify "thereto, and that he had not qualified to the said commission "when the said members departed from their homes to attend "this present sitting of the Assembly, which was three months "after his appointment."

Also, a resolution appointing John Barclay, Jonathan Robinson, and William Hemphill a committee, on the part of the House of Assembly, to join the committee of Council for stating an account of the monies advanced for recruiting the Continental Battalion belonging to this State, and also in stating an account of expenditures by this State for and on behalf of the Continent, in the room of Messrs. Thompson, Jones, and Robinson, appointed for that service on the 19th of February last, they being engaged in other public business.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled

"An act for aiding the discontinuance of the process in the Courts of General Quarter Sessions of the Peace, &c.,"

With the amendments thereto proposed by the Council, to which the House of Assembly agreed.

The Council consent that the said bill be enacted into a law.

Ordered, That Mr. Bassett wait on the House of Assembly with the above bill and its amendments.

Who, being returned, reported that he had waited on the House of Assembly according to order.

The Council took into consideration the verbal message from the House of Assembly respecting the evidence that has appeared of Mr. Tilton's declining to accept of the office of Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent.

On motion,

Ordered, That the same be postponed till it is known whether the House of Assembly will recede from their resolution to adjourn this evening.

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A member from the House of Assembly, attending at the door was admitted and returned to the Chair the following bill passed this session, to wit:

"An act for aiding the discontinuance of the process in the Court of General Quarter Sessions of the Peace and Goal Delivery in the Counties of New Castle and Sussex, and for other purposes therein mentioned."

Also delivered the report of the joint committtee for settling and adjusting public accounts, to wit:

"The joint committee appointed for settling and adjusting public accounts report that they have examined the account of his Excellency John McKinly, Esquire, and there is due to him a balance of £707 : 2 : 9, allowed him, on a former settlement, as Military Treasurer of New Castle County; and £48 as signer of the late paper currency, and £20, it being the interest of £755 for 3 months and 3 weeks, and sundry other sums advanced by him since, as by his accounts appear, and the further sum of £713 : 11 : 0, together with commissions on £1,113 : 11 : 0, at 2½ per cent., the whole amounting to £1,516 : 10 : 3.

"Your committee do further report, that on examining an account exhibited by John Clowes, Esquire, do find a balance due him of £10 for attending the press when printing money;

"To Samuel Crossan, on the examination of his account, a balance due to him of £20, which he is entitled to receive upon his producing a certificate from a Justice proving the facts set forth in his account with respect to a horse lost in the service;

"To Jonathan Robinson the sum" *

Ordered, That Col. Collins wait on the House of Assembly with the several allowances made by that House to the report of the joint committee and concurrence of Council thereto.

Also, the bill entitled "An act for aiding the discontinuance of the process of the Courts of General Quarter Sessions of the Peace, &c.," as signed by the Speaker.

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* A memorandum here says: "Get from Mr. Booth," and then follows a long blank space for inserting other items.

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A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, June 7th, 1777.

"On motion,

"*Resolved*, That the President and Commander-in-Chief be "impowered and required to draw on the Trustees of the Loan "Offices for this State respectively, or any of them, for the sums "agreed to by the General Assembly to be due to the persons "hereafter mentioned upon the reports of committees, out of the "sum of £ 10,000, struck and given for the defence of this State "in pursuance of an act entitled 'An act for printing and emit-"ting £ 15,000 in Bills of Credit of this State, to be let out on "loan, and for striking the further sum of £ 10,000 in such bills "for the use of the State and for providing a fund for sinking "the same,' he taking receipts for said draughts:

"To Capt. Bassett, ...	£	20	16 3
"To Mr. President, ...		1516	10 3
"To Samuel Crossan (on his complying with the "terms prescribed by the committee), . .		20	0 0
"To James Adams, ...		216	13 1
"To John Baning, ...		1	10 0
"To Gen. Rodney, Col. Collins and Jas. Latimer,		123	15 0
"To Col. Collins and John Thompson, Esq., . .		38	10 0
"To Thomas McKean, Esq., ...		20	2 6
	£	1957	17 1

"IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
"SATURDAY, P. M., June 7th, 1777.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of this State to the bill entitled 'An act for aid-"ing the discontinuance of the process in the Courts of General "Quarter Sessions of the Peace and Goal Delivery in the Coun-"ties of New Castle and Sussex, and for other purposes therein "mentioned.'"

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Ordered, That Major Sloss wait on the House of Assembly with the above resolution and concurrence of Council thereto.

Who, being returned, reported, &c.*

* Thus ends Mr. Clay's journal.

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MINUTES OF COUNCIL.

OCTOBER, 1777.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Council at the Town of Dover, in the County of Kent, on Monday, the twentieth day of October, Anno Domini one thousand seven hundred and seventy-seven, a sufficient number of members to compose a House not attending, adjourned from day to day till

THURSDAY, October 23, 1777.

The following members appeared in the Council, viz:

For New Castle County—George Read, Nicholas Vandyke.

For Kent County—Thomas Collins, John Baning.

For Sussex County—John Jones.

The return of the Sheriff and Inspectors for the County of New Castle of the election of a Counsellor to fill the vacant seat of Richard Cantwell, Esq., who had the smallest number of votes at the General Election in October, 1776, being delivered at the table, it appears that the annual election for the said county was held on the first day of October, instant, at the Academy, in the Town of Newark, in the County of New Castle, in pursuance of a proclamation issued for that purpose by the Honorable Thomas McKean, Esquire, Speaker of the late House of Assembly and President of the State, in the absence of President McKinly and the Vice President, by reason that the situation of the British fleet and army at and near the Town of New Castle rendered it impracticable to hold the election there. Mr. Peter Hyatt was chosen a member of the Council for New Castle County in the place of Mr. Cantwell, and Mr. Hyatt appeared in the House.

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The return of the Sheriff and Inspectors for the County o Kent being laid on the table, it appears that Richard Bassett who had the smallest number of votes at the former Genera Election for the said county, was reëlected a member of th Council for the County of Kent on the first day of this instan October. Mr. Bassett appeared in the House.

On motion,

Agreed unanimously that the Speaker of the Council be choser annually.

Then the Council proceeded to the choice of a Speaker, and George Read, Esquire, was unanimously chosen.

The Speaker in the Chair, Mr. Benjamin Vining was appointed Clerk and Nathaniel Smithers, Jun., Messenger and Doorkeeper.

Mr. Bassett and Mr. Hyatt, the two members chosen at the last General Election, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State. [*See note on page 10.*]

The Speaker laid on the table a letter from the Honorable Thomas McKean, Esq., late Speaker of the House of Assembly and President of the State, in the absence of Mr. President McKinly and the Vice President, which, by order, was read the first time.

FRIDAY, October 24, 1777.

Council met.

Benjamin Vining, as Clerk of the Council, appeared in the House, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and also took the oath of office as Clerk of this House. [*See note on page 11.*]

On motion and order,

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The letter from the Honorable Thomas McKean, Esquire, Speaker of the late House of Assembly and President of the State, in the absence of Mr. President McKinly and the Vice President, was read a second time and committed to Messrs. Vandyke, Bassett, and Jones, to report thereon.

Adjourned till to-morrow.

SATURDAY, October 25, 1777.

Council met.

A petition from divers of the inhabitants, freeholders and electors of the County of Sussex, complaining that they and other the freeholders and electors of that county, on the first day of October last past, were prevented from electing Representatives for the said county to the General Assembly of this State, and also of Sheriffs and Coroners for the ensuing year, by divers other persons, inhabitants of the said county, with an armed force, was delivered in at the table, and, on motion, read the first time.

The committee to whom the letter from the Honorable Thomas McKean, Esquire, as President in the absence of Mr. President McKinly and the Vice President, was referred, now made their report, which, on motion and order, was read the first time.

By special order the same was read a second time, and, after some debate, it was recommitted.

On motion, by special order,

The petition from divers of the freeholders and electors of Sussex County, complaining that the general election for representatives for the said county was prevented to be held by an armed force, was read a second time and referred for consideration.

Adjourned to Monday morning, 10 o'clock.

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MONDAY, October 27, 1777.

Council met and adjourned till to-morrow morning, 10 o'clock

TUESDAY, October 28, 1777.

Council met.

The committee to whom the report on Saturday was recom mitted, now brought in their report, which, by order, was rea the first time.

Adjourned till to-morrow.

WEDNESDAY, October 29, 1777.

Council met, and, on motion and order, the report of yester day was read a second time and approved, in the following words viz :

The committee of Council to whom a letter from the Honorabl Thomas McKean, Esq., late Speaker of the House of Assembly President and Commander-in-Chief of the Delaware State, wa recommitted, do now report—

That the present situation of public affairs in this State require that 600 militia be raised as speedily as possible for the protectio and defence thereof, who are to continue in service for two months unless sooner discharged by the Commander-in-Chief, and be fur nished in the following proportions, viz : 300 non-commissione

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officers and privates in New Castle County, to consist of 6 companies of 50 men each, viz: 2 sergeants, 2 corporals, 1 drummer, 1 fifer, and 44 privates, to be commanded by 1 captain, 1 lieutenant, and 1 ensign; 200 do. in Kent County, and 100 do. in Sussex County, to be officered in the same manner;

AND WHEREAS the representatives of the several counties in this State have not, and in appearance cannot form themselves into a House for transacting of the public business, therefore from the necessity of immediately providing for the payment and support of the aforesaid troops, the committee report the following resolution, to be entered into by Council, viz: That it be recommended to the President and Commander-in-Chief to draw the sum of £5,000 out of the hands of the Trustee of the Loan Office of Kent County, and be by him applied for the uses aforesaid; and that the Council on their part do promise and engage that they will hereafter concur with the Assembly in providing a fund for the replacing the said sum.

Your committee do further report a resolution, to be adopted by Council, recommending it to the President to draw the balance of the £10,000 emitted for the support of this State, and apply the same in discharge of the debts due to the militia heretofore called out.

Your committee do further report that, in their opinion, a committee of three persons be appointed to receive, examine and adjust the accounts of expenses which have accrued and become due to the Militia of the Counties of New Castle and Kent for former service, viz: Robert Bryan, Robert Armstrong, and Thomas Montgomery, gentlemen; and also that a committee of three persons, viz: John Jones, John Rodney, and John Clowes, gentlemen, be appointed in the County of Sussex to receive, examine and adjust the accounts of expenses which have accrued and become due to the Militia of said county for former service, and make report thereof to the President, who is to pay the same accordingly.

Your committee do also recommend that a certified copy of the foregoing resolutions be made out, and the approbation of such of the members of the House of Assembly as are or may be in town signified by their subscribing the same.

On motion,

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Ordered, That a copy of the preceding report and resolutions be made and delivered to the members of Assembly now in town, to be signed by them, signifying their approbation of this proceeding of the Council, and that Mr. Vandyke and Mr. Bassett attend them for this purpose.

Messrs. Vandyke and Bassett, having returned, delivered at the table the copy of the report and resolutions aforesaid, with the following subscription, to wit :

We, whose names are hereunto subscribed, being members of the Assembly for the Delaware State, do approve of the foregoing report and resolutions, and do engage to support the measures proposed therein at all times hereafter, both in our private and public capacities. Witness our hands this 29th of October, 1777 :

RICHARD LOCKWOOD,	SAM'L PATTERSON,
SAMUEL WEST,	JAMES BLACK,
JEHU DAVIS,	WILLIAM CLARK,
JOHN CLAYTON,	ISAAC LEWIS,
WM. MOLLOSTON,	ROBERT BRYAN,
GEORGE CRAGHEAD,	JACOB STOUT.
ROBERT ARMSTRONG,	

And signed, this 4th December, 1777, by CHARLES RIDGELY.

Thereupon

Resolved, That the several resolutions mentioned in the foregoing report be adopted by this House and forthwith carried into execution.

Then the Council proceeded to the settlement of the per diem wages and mileage of the members and the accounts of their officers for the present meeting, and the following allowances were made, viz :

To George Read (*Speaker*), Nicholas Vandyke, Peter Hyatt, Thomas Collins, John Baning, Richard Bassett, and John Jones, Esq'rs, for nine days' attendance and mileage, ...	£ 46 11 0
To Benjamin Vining, Clerk, ...	6 7 6
To Nathaniel Smithers, Jun., Doorkeeper, ...	1 15 0
	£ 54 13 6

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Ordered, That the Speaker draw orders on the Trustee of Sussex County for the payment of the several sums aforesaid.

Whereupon the said orders were drawn and signed by the Speaker.

Then the Council adjourned till the first day of December next.

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MINUTES OF COUNCIL.

DECEMBER, 1777.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Council at the Town of Dover, in the County of Kent, by adjournment, on Monday, the first day of December, Anno Domini, 1777, a sufficient number of members to compose a House not attending, the Council adjourned till to-morrow.

TUESDAY, December 2d, 1777.

The following members appeared, viz :

For New Castle County—George Read (*Speaker*), Nicholas Vandyke, Peter Hyatt.

For Kent County—Thomas Collins, John Baning, Richard Bassett.

And adjourned till to-morrow.

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WEDNESDAY, December 3d, 1777.

The Council met, and Col. John Jones, a member for Susse County, appeared in the House.

The Representatives of the Counties not having formed them selves into a House of Assembly, the Council adjourned from da to day till Monday, the 8th of December, 1777.

MONDAY, December 8th, 1777.

The Council met and adjourned till to-morrow morning, 1 o'clock.

TUESDAY, December 9th, 1777.

The Council met. Present all the members as on last Wedne day, except Mr. Jones.

The minutes of the last meeting of the Council were read.

On motion

Resolved, That a copy of that part of the proceedings of th Council respecting the raising and pay of 600 Militia within th State, for its protection and defence, and also the appointment committees for adjusting the accounts of expenses of former se vice of the Militia of the State, with the mode recommended f discharging the same, be made out and sent to the House of A sembly, with a message from the Council setting forth the re sons that induced them to adopt the said measures, and recom mending it to the House of Assembly to make such provision i

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he premises as they may judge necessary, consistent with the Laws and Constitution of the State.

Ordered, That Messrs. Bassett and Vandyke be a committee o prepare a draught of such message and report the same in the fternoon.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

The Council met. Some of the members attending the Committee,

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., December 10th, 1777.

The Council met. The same members present as on yesterday.

The committee appointed to prepare the draught of a message to he House of Assembly now delivered one in, and the same being ead was ordered to be transcribed and signed by the Speaker, nd is in these words, to wit:

Gentlemen:

The Council herewith transmit a copy of their resolutions of he 29th October last, directing the raising of 600 troops within his State for the protection and defence thereof, and providing or the payment and support of said troops, and also appointing ommittees to receive, examine and adjust the accounts of exenses which had accrued and become due to the Militia of the State for former service, with the mode recommended for discharging the same.

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As the Representatives of the several Counties in the State did not form themselves into a House for transacting of the publi business, the Council, on their part, were induced to adopt th measures contained in said resolutions to prevent the persons o the inhabitants near the water from being seized and taken pris oners and their property plundered by the crews of the enemy' ships of war, which then were in the Delaware; to put a stop to th illegal and pernicious trade carried on with the enemy by the in habitants of this State; and to remove the complaints made b the Militia of non-payment for former services, which the Counci were apprehensive would not only tend to delay the raising sai troops, but also prevent the Militia from turning out in cases o emergency.

The Council now recommend it to your honorable House t take the said resolutions into your consideration, and make suc further provision in the premises as you may judge necessary consistent with the Laws and Constitution of the State.

Ordered, That Mr. Collins wait on the House of Assembly with the said message and copy of the resolutions of this House of the 29th October last respecting the raising and pay of the 600 Militia within the State for its protection and defence, and also the appointment of committees for adjusting the accounts o expenses of former service of the Militia of the State, with the mode recommended for discharging the same.

Who, being returned, reported that he had delivered the same according to order.

A committee from the House of Assembly, attending at the door, were admitted and delivered the following verbal message, to wit:

That the House of Assembly had chosen their Speaker, and were now ready to proceed on any business that the Council should think fit to lay before them.

The Council resumed the consideration of the petition from divers of the inhabitants, freeholders and electors of Sussex County, complaining of their being prevented from electing Representatives for that County to the General Assembly, and also of Sheriffs and Coroners, for the ensuing year, by an armed force, and thereupon

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Ordered, That a committee be appointed to bring in a bill for the holding an election in that county, at a short day, for the choosing of Representatives to the General Assembly, and also for the election of Sheriffs and Coroners, for the ensuing year; and

Resolved, That the petition aforesaid, with the papers attending the same, be sent to the House of Assembly for their perusal, and that that House be requested to appoint a committee to confer with a committee of Council on the subject matter of the said petition, who shall severally report thereon.

Ordered, That Mr. Baning wait on the House of Assembly with the said petition and a copy of the foregoing order and resolve.

Who, being returned, reported that he had delivered the same according to order.

Resolved, That Mr. Vandyke, Mr. Bassett, and Mr. Collins be a committee to bring in the bill aforesaid for holding an election in Sussex County at some short day.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

The Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a "Bill to remedy the loss of divers Public Seals of Office in the County of New Castle," which, by order, was read the first time.

And also the following resolution, to wit:

"IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
"WEDNESDAY, P. M., December 10, 1777.

"*Resolved*, That Messrs. Craghead, Lockwood, and Black be

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"a Committee of Accounts for the present year; and that Mr
"Craghead wait on the Council and propose to them the ap
"pointment of a committee of their body to join the committe
"of this House in the business referred to them, if they think
"proper."

Which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., December 11th, 1777.

The Council met. Present the same members as on yesterday

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., December 12th, 1777.

The Council met. Present the same members as on yesterday

The committee appointed to bring in a bill for holding an elec
tion in Sussex County at some short day, now delivered one in
which, by order, was read the first time.

On motion, by special order,

The same was read the second time by paragraphs and passed,
and ordered to be transcribed, and that Mr. Baning wait on the
House of Assembly with the transcribed bill for their consideration
and concurrence.

A message from the Vice-President to the General Assembly,
respecting the advance of a sum of money to Lieutenant Colonel

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Pope, to purchase clothing for the Delaware Battalion in the Continental service, was delivered at the table, and, by order, read the first time.

On motion and order,

The resolve of the House of Assembly of Wednesday last, for the appointment of a Committee of Accounts for the present year, was referred to Messrs. Bassett and Vandyke, to report thereon to-morrow morning.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., December 13th, 1777.

The Council met. Present the same members as on yesterday.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair certain resolutions for the borrowing of seven hundred and fifty pounds, on the credit of the State, to be put into the hands of Lieutenant Colonel Charles Pope, to enable him to proceed in the purchase of clothing for the Delaware Regiment.

Which, by order, were read, and an amendment proposed by way of addition to the last resolve being agreed to, the same was transcribed.

Ordered, That Mr. Hyatt wait on the House of Assembly with the said resolutions and the amendment proposed thereto for their consideration and concurrence.

Who, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock.

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EODEM DIE, P. M.

Col. Jones, who had been absent, now appeared in Council.

The committee to whom the resolve of the House of Assembly of Wednesday last, for the appointment of a Committee of Accounts for the present year, was referred, do now report it as their opinion that the following message be sent to the House of Assembly, to wit:

Gentlemen:

The Council have taken your resolution of Wednesday last for the appointment of a Committee of Accounts for the present year, into consideration, and are of opinion that the whole business cannot be well executed by one committee. By the generality of the appointment, accounts between this State and the United States, future accounts of the Militia within this State, Loan Office accounts, Military Treasurers' accounts, with some others, will be included. This, we apprehend, was not intended by you; but, if so, we cannot consent thereto. To state the accounts of expenditures by this State for and in behalf of the Continent will be a tedious business, requiring knowledge, attention and care, and it may be too burthensome to exact any other service of the committee who may be appointed for that purpose. Therefore we submit it to you whether it is not necessary to appoint committees severally for the several services.

Which being agreed to,

Ordered, That the same be transcribed and signed, and that Mr. Jones deliver the same to the House of Assembly.

Who, being returned, reported that he had delivered the same according to order.

On motion and order,

The bill to remedy the loss of divers Public Seals of Office in the County of New Castle was read a second time, and, upon consideration thereof, divers amendments were proposed and agreed to.

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Ordered, That the same be transcribed and sent by Mr. Bassett o the Assembly.

Who, being returned, reported that he had delivered the same ccording to order.

It appearing to the Council that the committee appointed by he General Assembly, at their meeting in January last, to pro- ure the making and engraving of a Great Seal of this State, ave not yet completed that business, and that the Seal of New astle County, ordered by the General Assembly to be the Great eal of this State *pro tempore* until the seal to be procured as foresaid should be delivered to the President, hath fallen into he hands of the enemy, and still is in their possession, by means hereof there is not at this time any Great Seal of the State to ffix to laws and commissions ; therefore

Resolved, That the ancient Seal of the County of Kent, dated 3, shall be held and deemed to be the Great Seal of the State *ro tempore*, until the Great Seal ordered to be made and en- raven as aforesaid shall be delivered to the Commander-in-Chief f the State.

Ordered, That Mr. Bassett wait on the House of Assembly ith this resolve, for their concurrence.

Who, being returned, reported that he had delivered the same ccording to order.

A member from the House of Assembly, attending at the door, as admitted and delivered at the Chair a "Bill for reviving the evy Court and Court of Appeal for the County of New Castle, nd for reëstablishing the process in the Supreme Court through- ut the State, and for occasional adjournments or removals of the ourts from the County Towns;" and a "Bill directing the choice f Assessors for the present year in such Hundreds in the County f New Castle where Assessors have not been chosen agreeable o the laws of this State, and for other purposes therein men- oned," for the consideration and concurrence of Council.

Adjourned till Monday morning, 10 o'clock.

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MONDAY, A. M., December 15th, 1777.

The Council met. Present the same members as on Saturday

On motion and order,

The "Bill directing the choice of Assessors for the preser year in such Hundreds in the County of New Castle where As sessors have not been chosen agreeable to the laws of this State and for other purposes therein mentioned," was read the fir time.

Ordered also,

That the "Bill for reviving the Levy Court and Court of Ap peal for the County of New Castle, and for reëstablishing th process in the Supreme Court throughout the State, and fo occasional adjournments or removals of the Courts from th County Towns," have its first reading, which was done accor ingly.

On motion and order,

The "Bill directing the choice of Assessors for the present ye in such Hundreds in the County of New Castle where Assesso have not been chosen agreeable to the laws of this State, and fo other purposes therein mentioned," was read a second time.

Ordered also,

That the "Bill for reviving the Levy Court and Court of Ap peal for the County of New Castle, and for reëstablishing th process in the Supreme Court throughout the State, and for o casional adjournments or removals of the Courts from the Coun Towns," have its second reading, which was done accordingly.

Ordered, That both the said bills be committed to Messr Collins, Vandyke, and Jones, to report thereon.

A member from the House of Assembly returned to the Cha the resolution for adopting the ancient Seal of Kent County as th Great Seal of this State *pro tempore*, with the concurrence of th

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House of Assembly thereto; and also the bill to remedy the loss of divers Public Seals of Office in the County of New Castle, with the amendments proposed by the Council, to which the House of Assembly also agreed.

Ordered, That the said bill be engrossed.

A member of the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution, to wit:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, December 10, 1777.

"On motion,

"*Resolved*, That this House will, to-morrow in the forenoon, adjourn for this present sitting to some future day."

"*Ordered*, That Major Bryan wait on the Council with a copy of the above resolution respecting the adjournment of the General Assembly."

Which being read and considered,

Resolved, That a committee of Council be named to confer with a committee of the House of Assembly on the subject of the said resolution.

Whereupon Messrs. Vandyke and Bassett were appointed.

Ordered also, That Mr. Vandyke deliver the following verbal message to the House of Assembly, to wit:

Gentlemen:

The Council having received a notice from your House of their intention to adjourn to-morrow in the forenoon, do apprehend that the business now before them and necessary to be completed before the rising of the General Assembly cannot be gone through by the time limited by you; therefore the Council do propose to the House of Assembly the appointment of a committee of their House to confer with Messrs. Vandyke and Bassett, a committee of Council, on the subject of the adjournment, as proposed by the House of Assembly.

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Mr. Vandyke, being returned, reported that he had delivere the same according to order.

A member from the House of Assembly informed the Chai that Messrs. Patterson, Craghead, and Bryan were appointed committee to confer with the committee of Council as to the tim of adjourning.

The said committee of conference met and agreed that it b recommended to the House of Assembly to reconsider thei resolution for adjourning to-morrow in the forenoon.

A message from the Vice-President to the General Assembly with a resolution of Congress of the 14th of November last, res pecting the sufficiency of the force within the State to prevent th disaffected from furnishing the enemy with provisions, and also request for a speedy representation of the State in Congress, wa delivered at the table, and, by order, read the first time.

On motion,

Ordered, That Col. Collins wait on the House of Assembl and propose to them the choosing of Delegates for this State t Congress for the ensuing year, by joint ballot of both House to-morrow, at 3 o'clock, P. M.

Who, being returned, reported that he had delivered the sam according to order.

Mr. Bassett having applied for leave of absence for a few day it is granted to him.

A member from the House of Assembly, attending at the doo was admitted and delivered to the Chair the following messag from the Assembly, to wit:

"A MESSAGE FROM THE ASSEMBLY TO THE COUNCIL.

" *Gentlemen:*

"The House of Assembly have taken into their considerati "your proposition relative to the choice of Delegates from th "State to Congress, and think it expedient that both Hous "should, previous to the election, meet and put in nominati "persons qualified for Delegates to Congress, agreeable to t

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'mode heretofore used by both Houses in such cases; and there-'fore this House propose to the Council to meet at 10 o'clock 'to-morrow morning, at such place as the Council may think 'proper.''

Which, being read, was agreed to, and the following answer, drawn up at the table, was ordered to be sent to the House of Assembly, to wit:

AN ANSWER FROM THE COUNCIL TO A MESSAGE FROM THE ASSEMBLY.

Gentlemen:

The Council agree to the meeting proposed by the House of Assembly at 10 o'clock to-morrow morning, to put in nomination persons who shall be balloted for as Delegates to Congress, and that the place of meeting be in the Council Room.

Mr. Hyatt, appointed to deliver the same, reported that he had so done according to order.

A member from the House of Assembly, attending at the door, was admitted and informed the Chair that the House of Assembly acceded to the place of meeting fixed by the Council.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., December 16th, 1777.

The Council met. Present the same members as on yesterday except Mr. Bassett, and adjourned till to-morrow morning.

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WEDNESDAY, A. M., December 17th, 1777.

The Council met. Present the same members as on yesterday

Mr. Clayton, a member from the House of Assembly, attendin at the door, was admitted and delivered to the Chair the followin message, to wit:

"A MESSAGE FROM THE ASSEMBLY TO THE COUNCIL.

"*Gentlemen:*

"The House of Assembly, being unable to meet yesterda "by the absence of one of their members, could not attend th "Council for the purpose of putting in nomination persons quali "fied for Delegates to Congress, agreeable to the joint resolutio "of both Houses, do therefore propose to meet the Counc "forthwith for the purpose aforesaid; and they also propose t "your honorable House that both Houses proceed to the elec "tion, by joint ballot, at 3 o'clock. P. M.

"Signed by order of the House.

"SAM'L WEST, *Speaker.*

"Dover, 17th December, 1777."

Which being read, the Council agreed to the time of nomina tion and balloting for Delegates as proposed in the said message

Ordered, That Mr. Baning wait on the House of Assembly an inform them thereof, and that the Council are now ready to re ceive the House of Assembly in the Council Room.

Who, being returned, reported that he had delivered the sam according to order.

The Council and Assembly being met in the Council Room to put in nomination persons who are to be balloted for as Dele gates to Congress, agreeable to the order of the day, on a mo tion made that the General Assembly do fix upon the numbe of Delegates that shall represent the State in Congress the en

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suing year, previous to the putting any person in nomination it s unanimously agreed that three persons shall be chosen for this service.

Then the members proceeded to put in nomination divers persons, whose names being taken down for the consideration of the members of both Houses, the General Assembly adjourned till 3 o'clock in the afternoon.

EODEM DIE, P. M.

The General Assembly met.

Then the members of both Houses proceeded to the ballot, which, being taken down, it appeared that Cæsar Rodney, Nicholas Vandyke, and Thomas McKean, Esquires, had a majority of voices, and are declared duly elected Delegates from this State to Congress for the ensuing year.

Then the members of Assembly withdrew.

The committee to whom the bills directing the choice of Assessors for the present year in such Hundreds in the County of New Castle where Assessors have not been chosen agreeable to the laws of this State, and for other purposes therein mentioned, and also the bill for reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns, were committed, report it as their opinion that the subject matter of the said two bills hath relation to each other and ought to be formed into one bill; and the committee further report that they essayed the draught of such a bill, by way of amendment to the said two bills, which they submit to the correction of the Council.

On motion and order,

The said bill of amendment was read the first time.

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By special order the same was read the second time, and, afte some amendments, was agreed to, and ordered to be transcribed

Ordered, That Mr. Vandyke wait on the House of Assembl with the said transcribed bill for their consideration and concu rence.

Mr. Bryan, a member from the House of Assembly, attending was admitted and delivered to the Chair a "Bill impowering th President or Commander-in-Chief of the Delaware State to dra out of the Loan Office of Kent County the sum of five thousan pounds;" and also the resolutions for borrowing seven hundre and fifty pounds, on the credit of the State, to be put into th hands of Lieutenant Colonel Pope to purchase clothing for th Delaware Regiment, with the amendment proposed by the Cou cil by way of addition to the last resolve, to which the House Assembly had agreed, and accordingly added a further resolu tion, setting forth the loan of the aforesaid sum of seven hundre and fifty pounds by Vincent Loockerman, and charging this Sta with repayment of the same with interest.

Council adjourned till Friday morning, 10 o'clock.

FRIDAY, A. M., December 19th, 1777.

The Council met. Present all the members as on Wednesday and also Mr. Bassett.

On motion,

The resolutions for borrowing seven hundred and fifty pound on the credit of the State, and for repaying the same with inte est, were read and concurred in, and are as follows, to wit:

"IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
"FRIDAY, P. M., December 12th, 1777.

"*Resolved*, That the sum of seven hundred and fifty pound "be borrowed upon the credit of this State, and that the Vice

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'President sign certificates to the person or persons lending the 'same.

"*Resolved*, That this House will devise ways and means for the 'repayment to the lender or lenders thereof.

"*Resolved*, That the said sum of seven hundred and fifty 'pounds be put into the hands of Lieutenant Colonel Charles 'Pope, to enable him to proceed in the purchase of clothing for 'the Delaware Regiment aforesaid, and that Colonel Pope be 'accountable for the expenditure thereof to the General Assem-'bly, or to the President or Vice-President of the State for the 'time being in the vacation of Assembly, in order that the State 'may have the said sum refunded by Congress.

"WEDNESDAY, P. M., December 17th, 1777.

"It appearing to the House that Vincent Loockerman, of 'Dover, in the County of Kent, on the sixteenth day of Decem-'ber instant, had paid into the hands of the Vice-President of 'this State, in pursuance of the joint resolution of both Houses, 'made on Saturday last, the sum of seven hundred and fifty 'pounds, lawful money, for the use of this State.

"*Resolved*, That this State be chargeable with, and the same 'is hereby made chargeable with the said seven hundred and 'fifty pounds, to be paid to the said Vincent Loockerman, his 'executors, administrators, or assigns, at any time within one 'year from this date, with interest at the rate of six per cent. per 'annum, from the sixteenth day of December, instant, until the 'same be repaid.

"*Ordered*, That Mr. Bryan wait on the Council with the reso-'lutions for the borrowing seven hundred and fifty pounds, upon 'the credit of the State, and putting the same into the hands of 'Lieutenant Colonel Pope to purchase clothing for the Delaware 'Regiment, and inform them that this House has acceded to the 'amendment proposed thereto, and that he deliver a copy of the 'last resolution for their consideration and concurrence."

On motion and order,

The bill empowering the President or Commander-in-Chief o draw out of the Loan Office of Kent County the sum of five housand pounds, was read the first time.

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By special order the same was read a second time, and there upon committed to Messrs. Bassett and Vandyke to repor thereon.

The committee report divers amendments as necessary to th said bill, which, being read, were severally agreed to.

Ordered, That the said bill, with the amendments, be sent t the House of Assembly for their consideration and concurrence

Colonel Jones is appointed for this purpose, and also to retur the resolutions for the borrowing of seven hundred and fift pounds, on the credit of the State, and for the repaying the same with the concurrence of the Council thereto.

Who, being returned, reported that he had delivered the sam according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

On motion and order,

That a certificate of the appointment of the Delegates to th Congress, as chosen on Wednesday, the 17th inst., in the Gen eral Assembly, expressing the powers they are to be investe with, be drawn up and sent to the House of Assembly for thei concurrence, which, being done and transcribed, was, by order read and agreed to, as follows, to wit:

WHEREAS Cæsar Rodney, Nicholas Vandyke, and Thoma McKean, Esquires, have been chosen, by joint ballot of the tw Houses of Assembly, to represent the Delaware State in th Continental Congress,

Resolved, That they, or any one or more of them, are hereb fully authorized and empowered, for and in behalf of this State to concert, agree to, and execute any measure which they or he together with a majority of the Continental Congress, shall judg

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necessary for the defence, security, interest, and welfare of this State in particular and America in general; with power to adjourn to such times and places as shall appear most conducive to the public safety and advantage.

Mr. Hyatt is ordered to deliver the same to the House of Assembly for their concurrence.

Mr. Hyatt, being returned, reported that he had delivered the same according to order.

Mr. Armstrong, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a "Bill for defraying the expenses of the General Assembly," which, by order, was read the first time.

By special order the same was read a second time, and, upon the vote, postponed.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the certificate of the appointment of the Delegates to the Congress, as chosen on Wednesday, the 17th instant, in the General Assembly, expressing the powers they are to be invested with, with the concurrence of the House of Assembly thereto.

The same member also delivered to the Chair the following message from the Assembly, to wit:

"A MESSAGE FROM THE ASSEMBLY TO THE COUNCIL.

'*Gentlemen:*

"This House having sent to the Council, on Wednesday 'last, for their consideration and concurrence, a bill entitled 'An 'act empowering the President, Vice-President, or Commander-'in-Chief, to draw out of the Loan Office of Kent County the 'sum of five thousand pounds, part of the sum emitted by an 'act entitled, 'An act for printing and emitting fifteen thousand 'pounds in Bills of Credit of this State, to be let out on loan, 'and for striking the further sum of ten thousand pounds in 'such bills for the use of this State, and for providing a fund for 'sinking the same;'' and the said bill being returned to the 'House this day, by a member of Council, with a bill entitled ''A supplement to an act entitled 'An act for printing and

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"emitting fifteen thousand pounds in Bills of Credit of this State
"to be let out on loan, and for striking the further sum of te
"thousand pounds in such bills, for the use of this State, and fo
"providing a fund for sinking the same,'" which, by a verba
"message, was said to be an amendment to the first mentione
"bill; this being contrary to the mode of proceeding used i
"such cases by both Houses (it having been usual heretofore, a
"this House conceives, to point out amendments particularly i
"writing,) the House of Assembly desire to know, by a writte
"message, whether the said supplementary bill was intended a
"amendatory of the said first mentioned bill or not.

"Dover, Dec. 19, 1777."

And the same being taken into consideration, an answer wa
drawn up at the table, and ordered to be transcribed and signe
by the Speaker, and is as follows, to wit:

AN ANSWER FROM THE COUNCIL TO A MESSAGE FROM THE ASSEMBLY.

Gentlemen:

The Council, when they sent the bill entitled "A supple
ment to an act entitled 'An act for printing and emitting fiftee
thousand pounds in Bills of Credit of this State, to be let out o
loan, and for striking the further sum of ten thousand pounds i
such bills for the use of this State, and for providing a fund fo
sinking the same,'" intended the same as an amendment to th
bill sent from the House of Assembly entitled "An act empowe
ing the President, Vice-President, or Commander-in-Chief to dra
out of the Loan Office of Kent County the sum of five thousan
pounds, part of the sum emitted by an act entitled 'An act fo
printing and emiting fifteen thousand pounds in Bills of Credit
this State, to be let out on loan, and for striking the further su
of ten thousand pounds in such bills, for the use of this State
and for providing a fund for sinking the same,'" as appears b
the verbal message delivered by the member of the Council wh
returned the original bill, together with the amendment. Th
Council were induced to this proceeding, (tho' not strictly regu
lar,) merely for the saving of time. From the notice sent b
your House, on Monday last, of their intention to adjourn, an
the conference of the committees thereon, the Council apprehen
ed that some of the usual forms of proceeding must be dispense

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with, or otherwise much of the business before both Houses would be left unfinished; however, we do not mean or wish to establish it as a precedent, and if the House of Assembly shall think it necessary to return the two bills thus sent, the Council will proceed on the bill from your House in the usual mode.

Ordered, That Mr. Bassett deliver the same to the House of Assembly.

Who, being returned, reported that he had delivered the same according to order.

A member from the House of Assembly, attending, was admitted and returned the bill directing the choice of Assessors for the present year in the County of New Castle, and reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns, with an amendment, which, being agreed to, was made therein.

Ordered, That Mr. Vandyke wait on the House of Assembly with the said bill and inform them that the Council acceded to the amendment proposed.

Mr. Vandyke returned and reported that he delivered the bill and message according to order.

Mr. Craghead, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolution, to wit:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, December 19th, 1777.

"The House resumed the consideration of one of the resolu-"tions of Council of the 29th of October, referred to in a message "from the Council of the 10th instant, which has not been acted "upon by this House, and is as follows, to wit:

"That a committee of three persons be appointed to receive, "examine, and adjust the accounts of expenses which have ac-"crued and become due to the Militia of the Counties of New "Castle and Kent for former service, viz: Robert Bryan, Robert "Armstrong, and Thomas Montgomery, gentlemen; and also

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"that a committee of three persons, viz: John Jones, John Roc
"ney, and John Clowes, gentlemen, be appointed in the Count
"of Sussex, to receive, examine, and adjust the accounts of ex
"penses which have accrued and become due to the Militia
"said County for former service, and make report thereof to th
"President, who is to pay the same accordingly.

"And thereupon

"*Resolved*, That this House concur in the said resolution.

"*Ordered*, That the above be transcribed, and that Mr. Crag
"head wait on the Council and deliver the same.

Ordered also, That Mr. Craghead inform the Council that th
"House intends, to-morrow, in the afternoon, to adjourn to som
"future day."

Which, by order, was read the first time.

The memorial of Ephraim Blaine, Deputy Commissary Gen
eral of Purchase for the Continental Army, was read the fir
time and ordered to be delivered to the Assembly for their pe
rusal. Col. Jones is appointed for this purpose, who, being re
turned, reported that he had delivered the same according t
order.

Adjourned till to-morrow, 10 o'clock, A. M.

SATURDAY, A. M., December 20th, 1777.

The Council met. Present the same members as on yesterday

On motion,

The resolution of Council of the 29th of October, with th
concurrence of the House of Assembly, delivered the last even
ing, was read, and, upon consideration, the following messag

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was drawn up at the table and agreed to be sent to the House of Assembly, to wit:

Gentlemen:

We received a resolution by member of your House last evening concuring in a resolution of the 29th of October last, for the appointment of two several committees for adjusting the accounts due to the Militia of the State for former service, and referred to, among other things, in our message to you of the 10th instant, but without any alteration in the form of that part of the resolution respecting the report to be made by these committees. When the Council adopted this resolution, it was a doubt with them whether your House could or would have been formed in the course of the year, and therefore extremly uncertain when a General Assembly would meet; but this being obviated, this Council took an early opportunity to lay the whole before you, wishing you to make further provision and supply the irregularity of a proceeding adopted from necessity. But as the House of Assembly have not done more than return a general concurrence, the Council beg leave to recommend to the Assembly a reconsideration of that resolution, and submit whether it is not necessary to direct the report to be made to the General Assembly, in order the allowances therein may receive such approbation as is usual in such cases, and that it may be a voucher in the State's account against Congress, without which sanction, we doubt, it will not be considered a proper voucher. The demand of the State will be considerable, and a risque of this sort should be avoided while in our power. We beg leave, also, to remind you that you have not acted upon all the resolutions of the 29th of October last. A material one is omitted, to wit: that which recommends it to the President to draw for the balance of the ten thousand pounds emitted for the support of the State and apply the same to discharge the debts to be ascertained by the committees aforesaid.

Ordered, That Mr. Baning deliver the same.

Who, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

On motion,

Resolved, That Messrs. Cæsar Rodney, James Sykes, an Eleazar M. Coombs be a committee to state an account of th monies advanced by the State, or on the credit thereof, for re cruiting the Delaware Battalion in the two last campaigns, and c the expenditures of the same; and also to state an account c expenditures by this State for and in behalf of the United States and that the said committee be empowered to send for persons papers and things.

On motion,

Resolved, That the Prothonotary of the Court of Commo Pleas for Kent County do deliver the ancient Seal of the sai County, dated '83, used in his office, unto the Vice-President c Commander-in-Chief of the State, the same seal being establishe as the Great Seal of this State, until a new one is made and de livered to the Commander-in-Chief, and then it is ordered tha the seal aforesaid be redelivered to the Prothonotary.

Which, by order, was read the first time, and agreed to be sen to the House of Assembly for their concurrence.

Ordered, That Col. Collins deliver the said resolutions to th House of Assembly for concurrence.

Who, being returned, reported that he had delivered the sam according to order.

Mr. Armstrong, a member from the House of Assembly, a tending at the door, was admitted and returned to the Counc "A supplement to an act entitled 'An act for printing and emi ting fifteen thousand pounds in Bills of Credit of this State,' to b let out on loan, and for striking the further sum of ten thousan pounds in such bills for the use of this State, and for providing fund for sinking the same,' " with the concurrence of the Hous of Assembly thereto.

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WHEREAS the two months limited for the service of the 600 Militia ordered to be raised by a resolution of the Council of the 29th October last, for the protection and defence of the State, is near expiring, and the present situation of the public affairs in the State requires that a standing body of the Militia be kept up; therefore

Resolved, That the like number of Militia be continued in the service of the State for other two months, unless sooner discharged by the Commander-in-Chief, and that they be furnished in the same proportion as by the said resolution of the 29th of October last is directed.

Ordered, That Mr. Vandyke deliver the same to the House of Assembly for their concurrence.

Mr. Vandyke, being returned, reported that he had delivered the same according to order.

Mr. Stout, a member from the House of Assembly, attending, was admitted, and returned to the Chair the resolution of the Council for the appointment of Cæsar Rodney, James Sykes, and Eleazar McCombs, to be a committee to state an account of the monies advanced by this State, or on the credit thereof, for recruiting the Delaware Battalion in the two last campaigns, and of the expenditures of the same, and of the expenditures of this State in behalf of the United States. Also the resolution of Council for the delivery of the ancient Seal of Kent County to the Vice-President. And also the resolution of Council for continuing 600 Militia in the service of the State for other two months, unless sooner discharged by the Commander-in-Chief, with the concurrence of the House of Assembly to each of the said resolutions.

The bill entitled "An act to remedy the loss of divers Public Seals of Office in the County of New Castle," and the bill entitled "A supplement to an act entitled 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same,'" being severally examined and compared, the Council agree that the same be enacted into laws.

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Ordered, That Mr. Bassett return the same to the House o Assembly, to be signed by their Speaker.

Mr. Lockwood, a member from the House of Assembly, at tending, was admitted and delivered to the Chair the followin resolves, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., December 20, 1777.

"The House resumed the consideration of the message ser from Council this afternoon, and thereupon

"*Resolved*, That a committee of three persons be appointed t "receive, examine, and adjust the accounts of expenses whic "have accrued and become due to the Militia of the Counties o "New Castle and Kent for former service, viz: Robert Bryan "Robert Armstrong, and Thomas Montgomery, gentlemen; an "also that a committee of three persons, viz: John Jones, Joh "Clowes, and John Rodney, gentlemen, be appointed in th "County of Sussex, to receive, examine, and adjust the account "of expenses which have accrued and become due to the Militi "of said County for former service, and make report thereof t "the General Assembly of Delaware at their next meeting.

"*Resolved*, That the Vice-President or Commander-in-Chie "be empowered to draw for and apply the balance of ten thou "sand pounds, emitted for the support of this State by an ac "entitled 'An act for printing and emitting fifteen thousan "pounds in Bills of Credit of this State, to be let out on loan "and for striking the further sum of ten thousand pounds in suc "bills for the use of this State, and for providing a fund for sink "ing the same,' towards the discharge of the debts due to th "Militia heretofore called out."

Which, by order, was read the first time.

The same, by special order, was read the second time and con curred in.

Ordered, That Mr. Baning return the same to the House o Assembly with the concurrence of Council thereto.

Who, being returned, reported that he had delivered the sam according to order.

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Dr. Molleston, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill entitled "An act to remedy the loss of divers Public Seals of Office in the County of New Castle;" also the bill entitled "A supplement to an act entitled 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same;'" and also the "Bill directing the choice of Assessors for the present year in the County of New Castle, and reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns," signed by the Speaker of the House of Assembly.

Ordered, That the said bills be signed by the Speaker of the Council, which was done accordingly.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the following laws, to wit:

1. "An act to remedy the loss of divers Public Seals of Office in the County of New Castle;"

2. "A supplement to an act entitled 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same;'"

3. "An act directing the choice of Assessors for the present year in the County of New Castle, and reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns;"

Passed this session.

Mr. Davis, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following report, to wit:

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"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., December 20th, 1777.

"The House resolved itself into a Grand Committee to co
"sider of certain accounts brought in for the service of the Stat
"and after some time spent therein the Chairman of the Cor
"mittee reported that they had allowed the following account
"to wit:

"To the Honorable Thomas McKean, Esquire, .	£ 90	0	11
"To James Sykes, Esq., for signing paper money "and expenses in attending Congress, ...	55	1	9
"To Richard Lockwood and John Clarke, Es- "quires, each £16, for signing paper money, .	32	0	0
"To Philip Barratt, Esq., Sheriff of Kent County, "for public services, ...	29	0	0
"To Thomas Wild, Goaler of Kent County, . .	6	10	3
"To James Booth, as Secretary and Clerk of As- "sembly, for former services, &c., ...	42	4	6
	£ 254	17	5

Which said report was agreed to by the House of Assemb
and sent to the Council for concurrence, and returned with t
concurrence of Council thereto.

Ordered, That Mr. Bassett deliver to the House of Assemb
the several laws passed this session, signed by the Speaker of t
Council, together with a resolve of Council for affixing the Gre
Seal to the said laws.

Who, being returned, reported that he had delivered the sai
according to law.

A member from the House of Assembly, attending, was adm
ted and delivered to the Chair the following resolve, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., December 20, 1777.

"On motion,

"*Resolved*, That the Vice President and Commander-in-Ch
"be empowered to draw on the Trustees of the Loan Offices

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"this State for the several sums agreed by the General Assembly "to be due to the following persons, out of the interest monies "in the said offices, viz:

	£	s	d
"To the Honorable Thomas McKean, Esquire, .	90	0	11½
"To James Sykes, Esquire, ...	55	1	9
"To Richard Lockwood and John Clarke, Esq'rs, "£16 each, ...	32	0	0
"To Philip Barratt, Esquire, ...	29	0	0
"To Thomas Wild, ...	6	10	3
"To James Booth, Esquire, ...	42	4	6

Which said resolve was agreed to by the House of Assembly and sent to the Council for concurrence, and returned with the concurrence of Council thereto.

Then the Council proceeded to the settlement of the per diem, wages and mileage of the members, and the accounts of their officers for the present meeting, and the following allowances were made, viz:

	£	s	d
To George Read (*Speaker*), Nicholas Vandyke, Peter Hyatt, Thomas Collins, John Baning, Richard Bassett, and John Jones, Esq'rs, for for 21 days' attendance and mileage, . . .	100	11	4
To Mr. Benjamin Vining, Clerk, ...	11	19	6
To Nathaniel Smithers, Jun., Doorkeeper, ...	4	0	0
To Mr. French Battell, for fire, candles, &c., . . .	15	0	0
To Mr. French Battell, for sundry expenses of the Council, ...	150	18	3
	£ 282	9	1

Ordered, That the Speaker draw orders on the Trustees of the Loan Offices of Kent and Sussex for the payment of the several sums aforesaid.

Whereupon the said orders were drawn and signed by the Speaker.

Then the Council adjourned to the first Monday in March next.

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MINUTES OF COUNCIL.

FEBRUARY, 1778.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

SPECIAL SESSION, FEBRUARY, 1778.

At a meeting of the Council at the Town of Dover, in the County of Kent, by a special order of the Vice-President, on Tuesday, the seventeenth day of February, Anno Domini 1778, a sufficient number of members to compose a House not attending, the Council adjourned from day to day till Thursday, February 19th, 1778.

THURSDAY, February 19th, 1778.

The Council met, but a quorum of the House of Assembly not attending, the Council adjourned from day to day till Saturday, February 21st, 1778.

SATURDAY, February 21st, 1778.

The Council met.

The following members appeared in the Council, viz:

For New Castle County—George Read (*Speaker*), Nicholas Vandyke, Peter Hyatt.

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For Kent County—Richard Bassett, John Baning, Thoma Collins.

For Sussex County—Col. John Jones.

A message from the Vice-President to the General Assembly respecting the raising of the Militia for reinforcing General Small wood, at Wilmington, in compliance with the requisition of hi Excellency General Washington of the 19th of December last in order to prevent any attempt of the enemy to get possessio of that port, and the neglect of the Militia to obey the orders fo their march owing to the deficiency of the law; and also respect ing the recruiting of the Delaware Battalion, either by draftin or otherwise, agreeable to a further requisition of his Excellenc General Washington, contained in his letter of the 19th of Janu ary last, together with copies of the said letters, was delivered a the table,

And, on motion and order, the same were read.

Mr. Bryan, a member from the House of Assembly, attendin at the door, was admitted and delivered to the Chair the followin order of that House, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, February 21st, 1778.

"The House took into consideration that part of the messag "from his Honor the Vice-President, recommending measure "to be taken for the completion of the Delaware Regiment, an "thereupon

"*Ordered*, That Mr. Bryan wait on the Council and propose t "them the appointment of a committee of their body to join wit "a committee of this House to consider of the best methods fo "the speedy completing of the said regiment, who may severall "report thereon."

Which, by order, was read and agreed to, and Messrs. Collins Vandyke, and Jones are appointed on the part of the Council committee of conference on the business aforesaid.

Ordered, That Mr. Bassett wait on the House of Assembl with this resolution of concurrence and appointment.

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Who, being returned, reported that he had delivered the same according to order.

Mr. Stout, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill entitled "An act to enable the Sheriff of the County of Sussex to hold an election in said county to elect members of the General Assembly, Sheriffs and Coroners for the said county for the ensuing year," with amendments thereto, which, by order, were read and agreed to, and the amendments were accordingly made in the bill.

Ordered, That Mr. Vandyke wait on the House of Assembly and inform them that the Council had acceded to their proposed amendments in the bill aforesaid.

Mr. Vandyke, being returned, reported that he had delivered the same according to order.

Ordered, That the said bill be engrossed.

Upon the question, it is

Resolved, That the seat of Daniel Dingee in the Council became vacant on the first day of October last, and the member of Council to be chosen under the bill now passed for holding an election in the County of Sussex is to supply that vacancy.

It appearing to the Council that Samuel Shelton Sloss, a member of this House, died lately, on motion

Ordered, That the Speaker issue a writ to the Sheriff of Sussex County, directing him to hold an election on the second day of March next for the choosing a new member to supply the vacancy occasioned by the death of Mr. Sloss.

The bill for the holding an election in Sussex County, being engrossed, was read and compared and passed the Council.

Ordered, That Mr. Jones deliver the same to the House of Assembly for comparison and to be signed by the Speaker of that House.

Mr. Jones, being returned, reported that he had delivered the same according to order.

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Mr. Stout, a member from the House of Assembly, attending a
the door, was admitted and returned to the Chair the bill for th
holding an election in Sussex County, signed by the Speaker
the House of Assembly.

Ordered, That the said bill be signed by the Speaker of th
Council, which was done accordingly.

On motion,

Resolved, That the Vice-President and Commander-in-Chi
affix the Great Seal of this State to the act entitled "An act t
enable the Sheriff of the County of Sussex to hold an election i
said county to elect members of the General Assembly, Sherif
and Coroners for the said county for the ensuing year."

Adjourned till Monday morning, 10 o'clock.

MONDAY, February 23d, 1778.

The Council met. Some of the members attending the com
mittee, the Council adjourned till to-morrow morning, 10 o'clock

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TUESDAY, February 24th, 1778.

The Council met. Present the same members as on yesterday
except Col. Jones.

The committee of Council appointed to confer with a commi
tee of the House of Assembly on the subject matter of comple
ing the Delaware Regiment, now delivered their report at th
table, which, by order, was read the first time.

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from the House of Assembly, attending
and delivered to the Chair certain reso-
ort of the committee of conference for
Regiment, which, by order, were read

e were read a second time, and divers
ed and agreed to, were ordered to be
e House of Assembly for their concur-

tt wait on the House of Assembly with
nendments.

ed, reported that he had delivered the

v morning, 10 o'clock.

SDAY, A. M., February 25th, 1778.

ent the same members as on yesterday.

er from the House of Assembly, at-
dmitted and returned to the Chair the
the Council to the resolutions of the
ng of the Delaware Regiment, some of
bly agreed to, and to others they pro-

delivered to the Chair the following
t:

IN THE HOUSE OF ASSEMBLY,
SDAY, A. M., February 25th, 1778.

lleston wait on the Council and inform
poses, in the afternoon, to adjourn for

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The Council took into consideration the amendments propose by the Assembly to the amendments of the Council, and there upon

Resolved, That the following message be sent to the House Assembly, to wit:

Gentlemen:

The Council have taken into consideration the amendment proposed by your House to the amendments offered by th Council to the resolutions, founded on the report of the commit tee of conferees, for filling the Delaware Regiment, and are opinion that if adopted they will not answer the end intende by your House, and also apprehend that the reasons for thei amendments have not been fully understood or perhaps you House would not have disagreed to some of the amendments a least; and as this business requires dispatch, as well from th nature of it as from the intention of the Assembly to adjourn thi afternoon for a few days, the Council propose to the House Assembly a committee of conference on the subject matter of th several amendments proposed by each House for the more speed settling of this business, which, if approved of, the Council wi immediately name members of their body to attend the confer ence forthwith.

Ordered, That Mr. Bassett wait on the House of Assembly wit the same message.

Who, being returned, reported the delivery thereof.

Mr. Clark, a member from the House of Assembly, attendin at the door, was admitted and informed the Chair that that Hous acceded to the proposed conference, and that Messrs Patterson Ridgely, Clayton, Armstrong, and Lockwood are appointed b the House of Assembly for that purpose.

And, on motion, Messrs. Bassett, Vandyke, and Baning ar appointed conferees on the part of the Council.

Ordered, That Mr. Hyatt inform the House of Assembly this appointment.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

ber from the House of Assembly, at-
dmitted and delivered to the Chair the
House of Assembly, as agreed to and
of conference:

N THE HOUSE OF ASSEMBLY,
ESDAY, P. M., February 25th, 1778.

nted to confer with a committee of
ents proposed by each House to the
leting of the Delaware Regiment, re-
olutions to be adopted in the place of
ientioned, which were, by order, read
use, to wit:

adicente, That in order to fill up the
hich appears to be deficient in number
y men, rank and file, every officer be
s for each able-bodied soldier he hath
y of February instant, or that he may
y of May next, for the term of three
, and who shall pass muster.

unty of forty-five dollars be given to
aid enlisted, or that may be enlisted.

nt be empowered to borrow from Con-
on the behalf of the State, forty thou-
business aforesaid into execution, and
ays and means for the repayment of

the said sum of forty thousand dollars
Congress, that the like sum be bor-
ns on the credit of the State, and that
ertificates to the person or persons who
this House will devise ways and means
lender or lenders thereof."

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Which, by order, were read the first time.

By a special order the same were read a second time and co curred in.

Ordered, That Mr. Hyatt wait on the House of Assembly a inform them that the Council had agreed to the said resolution

Mr. Hyatt, being returned, reported that he had done so a cording to order.

A member from the House of Assembly, attending at the doo was admitted and delivered to the Chair a report from the com mittee appointed to adjust the accounts of expenses accrued an become due to the Militia of the Counties of New Castle an Kent for former service, examined and approved of by the Hous of Assembly, together with divers vouchers, for the consideratio and concurrence of the Council.

And, on motion, the same report was read and ordered to l on the table for consideration.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., February 26th, 1778.

The Council met.

The Speaker informed the House that he had received, sinc the rising of the Council on the last evening, a writing, sub scribed by the Speaker of the Assembly, by way of notice, tha the House of Assembly, on yesterday, had adjourned to Wednes day, the fourth of March next, which, by order, was read an filed.

The Council resumed the report from the Committee of Militi Accounts, and proceeded to the examination thereof with th vouchers, and, after some time spent thereon, ordered to lie ove for further examination.

The Council adjourned to the fourth day of March next.

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MINUTES OF COUNCIL.

MARCH, 1778.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MARCH, 1778.

At a meeting of the Council at the Town of Dover, in the County of Kent, by adjournment, on Wednesday, the 4th day of March, Anno Domini, 1778, a sufficient number of members to compose a House not attending, the Council adjourned from day to day till Monday, March 9th, 1778.

MONDAY, A. M., March 9th, 1778.

The Council met.

The following members appeared in the Council, viz :

For New Castle County—George Read (*Speaker*), Peter Hyatt.

For Kent County—John Baning.

For Sussex County—Col. John Jones, William Conwell.

The return of the Sheriff and Inspectors for the County of Sussex of the election of two Councillors to fill the vacant seats

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of Daniel Dingee, Esq., whose seat became vacant on the fi
day of October last by rotation, and of Samuel Shelton Slo
Esquire, who lately died, being delivered at the table, it appe
that John Clowes, Esq., was elected a member of the Council
the County of Sussex, in the room of Daniel Dingee, under t
act of Assembly passed at this session; and that William Co
well, gentleman, was elected a member of the Council for the s
County of Sussex, in the room of Samuel Shelton Sloss, in pu
suance of a special writ issued by the Speaker of the Council.

Mr. Conwell appeared in the Council, took the oath and su
scribed the declaration prescribed by the twenty-second arti
of the Constitution of the State, and then took his seat in t
Council. [*See note on page 10.*]

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., March 10th, 1778.

The Council met. Present the same members as on yesterda

A message from the Vice-President to the General Assembl
respecting the reinforcing General Washington with 500 Milit
together with divers resolutions of Congress recommending t
taking into consideration the Plan of Confederacy for the Unit
States; the raising the State's quota of five millions of dollars
the current year by tax on the inhabitants of the State; the re
ulating the price of labor, manufactures, internal produce, a
commodities imported from foreign parts, and the future supp
of clothing for the battalion belonging to the State, was deliver
at the table, and, by order, read the first time.

The Speaker laid before the Council certain resolutions of Co
gress recommending more effectual provision to be made for t
detecting and punishing of deserters in the several States, and
letter from General Washington, representing the necessity of
adequate remedy for this evil; and the Council, taking into co
sideration the "Act against desertion and harbouring deserte

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or dealing with them in certain cases," are of opinion that the penalties therein are too low, and thereupon

Resolved, That a committee of three be appointed to prepare and bring in a bill for the further and more effectual detecting of deserters and punishing the harbourers of them.

And, on motion,

Messrs. Jones, Baning, and Conwell are appointed a committee for this purpose.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., March 11th, 1778.

The Council met.

Mr. Collins appeared in the Council and took his seat. Some of the members attending the Committee, the Council adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., March 12th, 1778.

The Council met. Present the same members as on Tuesday.

Mr. Vandyke appeared and took his seat in Council.

The committee appointed to prepare and bring in a bill for the further and more effectual detecting of deserters and punishing the harbourers of them, now delivered one at the table, which, by order, was read the first time.

On motion, by special order,

The same was read a second time, and, sundry amendments

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being proposed and agreed to, the same passed the Council, a ordered that the said bill be transcribed and sent to the House Assembly for their consideration and concurrence.

Mr. Baning is appointed for this purpose, who, being returne reported that he had delivered the same according to order.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., March 13th, 1778.

The Council met. Present the same members as on yesterda

General Patterson, a member from the House of Assembl attending, was admitted and delivered to the Chair the followi resolve, to wit:

"IN THE HOUSE OF ASSEMBLY,
FRIDAY, A. M., March 13th, 1778.

"*Resolved*, That a committee be appointed to confer with "committee of Council on the subject matter of a resolution "Congress of the 22d of November last, recommending to t "Legislatures, or, in their recess, to the Executive authority "the respective States, to cause subscriptions to be opened f "the loan of monies to be invested in certificates from the respe "tive Continental Loan Offices."

Which, by order, was read and agreed to, and Messrs. Va dyke and Jones are appointed the conferees on the part of t Council to join a like committee to be appointed by the House Assembly on the subject matter of the resolutions of Congre aforesaid.

Ordered, That Mr. Hyatt wait on the House of Assembly wi the said resolutions with the concurrence and appointment of t Council.

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eported that he had delivered the same

consideration the resolutions of Con-
lating of the price of labor, manufac-
d commodities imported from foreign

ittee of three be appointed to prepare
purposes in the said resolutions men-

. Vandyke, Collins, and Hyatt are ap-
is purpose.

v morning, 10 o'clock.

ATURDAY, A. M., March 14th, 1778.

nt the same members as on yesterday.

well for leave of absence till Monday
o him.

morning at 10 o'clock.

MONDAY, A. M., March 16th, 1778.

ed till Tuesday morning, 10 o'clock.

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TUESDAY, A. M., March 17th, 1778

The Council met.

Mr. Clowes, a member of the Council for Sussex County, peared in the Council, took the oath and subscribed the decla tion prescribed by the twenty-second article of the Constitut of this State, and then took his seat in the Council. [*See note page 10.*]

Mr. Peery, a member from the House of Assembly, attend at the door, was admitted and returned to the Chair the bill the further and more effectual detecting of deserters and puni ing the harbourers of them, with some amendments, to which Council agreed.

Ordered, That the said bill be engrossed, and that Mr. Bas inform the House of Assembly that the Council have acceded the proposed amendments.

Mr. Bassett, being returned, reported that he had so done cording to order.

The Council took into consideration the resolve of Congres September 3d last, recommending to the several States to t effectual measures for importing or otherwise procuring, dur the ensuing winter, such supplies of arms, tents, or other milit stores, blankets, clothing, medicines, and other necessary arti for their respective Militia, as may be wanted for the next ca paign, and that they report to Congress the species and quan of military stores manufactured in their respective States; a thereupon

Resolved, That a committee of three be appointed to take said recommendation of Congress into consideration and rep thereon.

On motion, Messrs. Clowes, Bassett, and Jones are appoin a committee for the purpose.

Adjourned till to-morrow morning, 10 o'clock.

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NESDAY, A. M., March 18th, 1778.

nt the same members as on yesterday.

d to prepare and bring in a bill for
r, manufactures, internal produce, and
n foreign parts, now delivered one at
was read the first time.

morning, 10 o'clock.

URSDAY, A. M., March 19th, 1778.

nt the same members as on yesterday,

e-President to the General Assembly,
paper, subscribed by the Representa-
ssex, addressed to the Vice-President,
nd, by order, read.

of the said message which relates to
n for his orders to Brigadier Dagwor-
he disaffected in Sussex County and
principals, together with the copy of
ed to a committee of three.

are Messrs. Vandyke, Collins, and

, being engrossed, was read and com-
cil.

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Ordered, That Mr. Baning deliver the same to the House Assembly for comparison and to be signed by the Speaker of t House.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., March 20th, 1778.

The Council met. Present the same members as on yesterda

Mr. Baning now reported that he had delivered the bill agai desertion to the House of Assembly according to the order yesterday.

The committee to whom part of the message from the Vi President of yesterday was referred now delivered their report the table, which, by order, was read the first time.

By special order the same was read a second time, and, consideration and debate, the same was rejected, and the follo ing resolutions were agreed to, that is to say:

Resolved, That the Council is fully convinced that some of t disaffected inhabitants of the County of Sussex have taken arms, much to the terror of the good people of said county a the encouragement of the British forces to land and make excu sions there; therefore

Resolved, That it is the opinion of this Council that, for t restoring peace and harmony in said county, the President this State issue his orders immediately to General Dagworthy disarm and take the ammunition from all the disaffected inhab ants of the said County of Sussex.

WHEREAS it has been represented that the recruiting office have committed great abuses in the said County of Sussex,

Resolved, That the Justices of the Peace be directed to inqui into the foundation of the said complaints, and prevent such co duct in future.

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ves wait on the House of Assembly
ns for their consideration and concur-

d, reported that he had delivered the

morning, 10 o'clock.

TURDAY, A.·M., March 21st, 1778.
t the same members as on yesterday.
the 25th of this instant, March.

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uncil at the Town of Dover, in the
nment, on Wednesday, the 25th day
778, a quorum of the House of As-
ouncil adjourned from day to day till

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FRIDAY, A. M., March 27th, 1778.

The Council met.

The following members appeared in the Council, viz :

For New Castle County—George Read (*Speaker*), Nicho Vandyke, Peter Hyatt.

For Kent County—Richard Bassett, Thomas Collins, Jo Baning.

For Sussex County—John Jones, John Clowes.

General Patterson, a member from the House of Assembly, tending at the door, was admitted and delivered to the Chair a entitled "An act for the further security of the Government," the consideration and concurrence of the Council, which, order, was read the first time.

The Council resumed the consideration of the report of committee for adjusting the accounts of the Militia of New Cas and Kent Counties for past service, and several amendments w proposed and agreed to.

On motion,

Ordered, That a committee be appointed to draw up th amendments and draught a message to the House of Assemb assigning the reasons for making the same.

And thereupon Messrs. Bassett and Clowes are appointed this purpose.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, A. M., March 28th, 1778.

The Council met. Present the same members as on yesterday.

The committee appointed to draw up the amendments as proposed in the Council to the report of the committee for adjusting the accounts of the Militia for New Castle and Kent Counties for past services, and also to draught a message to the House of Assembly assigning the reasons for making the same, now delivered their report, which, by order, was read the first time.

By special order the same was read the second time, and several amendments were proposed and agreed to. The said message and amendments are as follows, to wit:

1. In the general account for New Castle County, No. 1 and line 4 from the top, dele the words [bounty in Jerseys,] and insert instead thereof [pay and retained rations in September, 1777.]

2. After the charge, in same account, by Capt. William Robinson, No. 3, insert [of which, it appears by his account, that he received of George Latimer, the Paymaster, £72 : 10 : 0.]

3. After the charge, in same account, by William Woodland, No. 14, insert [of which, it appears by his account, that he received of George Latimer, the Paymaster, £10 : 0 : 0.]

4. After the charge, in same account, by Leonard Vandegrift, No. 20, insert [of which, it appears by his account, that he received of Captain Peter Hyatt £3 : 0 : 0.]

5. In the same account, under the head Col's Cantwell's Battalion, No. 4, Captain William Moody's Pay-roll, £158 : 10 : 10, deduct 35s., a charge of three weeks' service of John Moaris.

6. In the general account for Kent County, No. 1 and line 2d from the top, dele the words and figures [Charles Eustace, for medicines for said troop, £20.]

The said message follows in these words, viz:

Gentlemen:

The reasons inducing the Council to propose to your honora-

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ble House the amendments to the report of the committee adjusting the accounts of the Militia of New Castle and K Counties for past services, herewith sent, are as follow, to wit

As to the first amendment, for that the charge, as stated in general account, is not warranted by the voucher, it being for and retained rations, instead of a bounty in Jerseys.

As to the second amendment, the Council conceive it necess to show upon the face of the general account the sum that party charging hath already received; otherwise he may rec a certificate from the President for the whole sum there can out, which will entitle him to the payment thereof, therefore will be in part paid twice for the same service.

As to the third and fourth amendments, the same reasons a the second.

As to the fifth amendment, it appears by the information one of the field officers of that battalion, Major Vandyke, t the charge of 35s. made for John Mearis, in Captain Mood account, for three weeks' service, is wrong, and ought not to allowed, he never having performed any such service.

As to the sixth amendment, it appears that the same charg made and allowed in Captain Carty's account, therefore ou not to be separately made by Doctor Charles Eustace.

Ordered, That the same be transcribed, and that the mess be signed by the Speaker.

Ordered, That Mr. Hyatt deliver the same, with the ame ments and Militia accounts, to the House of Assembly.

Mr. Hyatt, being returned, reported that he had delivered same according to order.

Adjourned till Monday morning, 10 o'clock.

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MONDAY, A. M., March 30th, 1778.

nt the same members as on Saturday.

ember from the House of Assembly, admitted and delivered to the Chair e for Militia Accounts in Sussex Coun- of Assembly and sent for concurrence.

report and accounts be referred to a rt thereon.

nd Bassett are appointed a committee

ber from the House of Assembly, at- delivered to the Chair the following :

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, March 30, 1778.

dgely inform the Council that the fol- n appointed conferees, on the part of oses declared in a resolution of both nt, viz: Ridgely, Craghead, and Kol-

roved of.

delivered to the Chair the following iz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, March 30th, 1778.

ncy John McKinly, Esq., our worthy enemy in September last, still remains rospect of exchange shortly, and the who acts as Vice-President, requesting luties of that office, as alone sufficient

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"to employ the whole time and attention of any individual of t
"State; therefore

"*Resolved*, That the place of President of the State be i
"mediately supplied by the nomination and appointment of t
"General Assembly.

"*Ordered*, That Mr. Ridgely wait on the Council with t
"foregoing resolution for their concurrence, and inform the
"that, if assented to, the House of Assembly will meet t
"Council to put in nomination such persons who may be vot
"for as President at a subsequent meeting of both House
"agreeable to the mode heretofore adopted and used."

Which, by order, was read the first time.

By special order the same was read the second time and co
curred in.

Ordered, That Mr. Clowes wait on the House of Assemb
with the foregoing resolution, concurred in by the Council, a
inform them that the Council will meet the House of Assembl
in the Assembly Room, to-morrow morning, at 10 o'clock,
put in nomination persons who may be voted for as President.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., March 31st, 1778.

The Council met. Present the same members as on yesterda

Mr. Conwell appeared and took his seat in the Council.

Mr. Clowes, who was appointed to wait on the House of A
sembly with their resolution to put in nomination persons for t
place of President of this State, as concurred in by the Counc
now reported the delivery thereof according to the order of ye
terday.

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m the House of Assembly, attending,
to the Chair the following notice of

"In the House of Assembly,
Tuesday, A. M., March 31st, 1778.

ery wait on the Council and inform
ow ready to receive them and proceed
id."

o the Assembly Room, and there met
hen several persons were put in nom-
ident and their names taken down for
mbers of both Houses.

eral Assembly meet in the Assembly
ident of the State, at 3 o'clock this

ll 3 o'clock, P. M.

Eodem Die, P. M.

louse of Assembly in the Assembly
l Assembly, proceeded to the election
and the members of both Houses, to
nd sixteen of the House of Assembly,
red tickets, with the name of the Pre-
d put the same into a ballot-box, the
es, in the presence of the other mem-
ox, and it appeared that twenty votes,
favor of the Honorable Cæsar Rod-

ar Rodney, Esquire, is declared duly
tate for the term of three years next

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ensuing and until the sitting of the next General Assembly the after, and no longer, agreeable to the present Constitution system of government.

On motion,

Resolved, That the Speaker of the Council nominate five me bers of the General Assembly to wait on the Honorable Cæ Rodney, Esquire, and inform him of his election and appoi ment to the office of President of this State, and know whet he will accept the said office, and make report thereof to General Assembly.

And thereupon Messrs. Vandyke, Clowes, Ridgely, Patters and Bryan are appointed for this purpose.

Then the General Assembly adjourned till to-morrow morni at 10 o'clock, to receive the report of the said committee.

The Council adjourned till to-morrow morning at 10 o'clock

WEDNESDAY, A. M., April 1st, 1778.

The Council met. Present the same members as on yesterda

Then the Council met the House of Assembly in the Assem Room in order to receive the report of the committee appoint yesterday.

The committee delivered at the table General Rodney's a swer, in writing, which was read, and follows in these words, v

"*Gentlemen of the General Assembly:*

"I received, yesterday afternoon, your message declari "me duly elected President of the Delaware State, and am fu "sensible of the honor done me by the appointment; but, a "am too conscious of my own inability to suppose your exp "tation will be answered by my acceptance, I hope I shall "excused. I think, nevertheless, that at a time like this it is

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"duty of every member of society to take such part in the civil "line as shall be assigned him by government, if tolerably quali- "fied; therefore, if the General Assembly cannot fix upon some "other person more equal to that important duty, I shall, tho' "with the greatest diffidence, accept—in full confidence, however, "that your honors will afford me every necessary aid in the due "execution of the laws and otherwise supporting the civil gov- "ernment as now established under the authority of the people; "and as the provision made for the President is by no means an "ample one, that the General Assembly would not wish to add "to the sacrifice I have already made by much more than ought "to fall to the share of any one member of the community.

"CÆSAR RODNEY.

"Dover, April 1st, 1778."

Ordered, That a certificate of the appointment of General Rodney to the office of President of this State, signed by the Speakers of the two Houses, and sealed with the Great Seal of the State, be made out and delivered to General Rodney.

Ordered also, That the same committee wait on Mr. President Rodney with the said certificate, and inform him that the General Assembly will take into their consideration that part of his answer respecting a further provision to be made for the President of the State than that which is already made by the laws of the State.

The committee report that they had delivered the aforesaid certificate to Mr. President Rodney, which he accepted, according to order.

Then the General Assembly adjourned till 3 o'clock in the afternoon, and the Council withdrew.

The Council adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M

The Council met, and, on motion, the bill for the further se
rity of the Government was read a second time and ordered to
over till to-morrow morning.

On motion, the bill for regulating and limiting the prices
sundry articles of produce, &c., was read a 2d time and orde
to be recommitted to the same committee.

The Council adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., April 2d, 1778

The Council met. Present the same members as on yesterd

On motion,

Resolved, That the Speaker of the Council be authorized
administer as well the oath of allegiance and declaration of fa
as the oath of office to the Honorable Cæsar Rodney, Esqui
now appointed President of this State, as directed by the 2
section of the system of government, and that the same be c
tified into the Secretary's office.

Resolved also, That the oath of office be in the form followi
to wit:

I, Cæsar Rodney, do swear that I will well and truly, acco
ing to the best of my abilities and judgment, execute the off
of President of the Delaware State, agreeable to the Laws a
Constitution thereof, so help me God.

Which, by order, was read.

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Ordered, That Mr. Baning wait on the House of Assembly with the foregoing resolutions for their consideration and concurrence.

Mr. Baning, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and resumed the consideration of the bill for the further security of the Government, which, by order of yesterday, was postponed till to-day, and, after some time spent therein, ordered to lie over for further consideration.

Mr. Black, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the aforesaid resolutions of the Council, with the concurrence of the House of Assembly thereto.

The Speaker of the Council then waited on the President, and, being returned, reported to the General Assembly that he had administered as well the oath of allegiance and declaration of faith as the oath of office to his Excellency Cæsar Rodney, Esq., President of the Delaware State, in pursuance of certain resolutions of the General Assembly of this day.

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, A. M., April 3d, 1778.

The Council met. Present the same members as on yesterday

Mr. Patterson, a member from the House of Assembly, attend
ing at the door, was admitted and delivered to the Chair the fo
lowing resolutions of that House, to wit:

"IN ASSEMBLY, THURSDAY, April 2d, 1778.

"WHEREAS the late Judge of the Admiralty is appointe
"President of this State, whereby the former office is becom
"vacant; therefore

"*Resolved*, That the place of Judge of the Admiralty be im
"mediately supplied by the nomination and appointment of th
"General Assembly.

"*Ordered*, That Mr. Patterson wait on the Council with th
"foregoing resolution for their concurrence, and inform ther
"that, if assented to, the Assembly will meet the Council to
"morrow morning at 10 o'clock, to put in nomination suc
"persons who may be voted for as Judge of the Admiralty a
"a subsequent meeting of both Houses, agreeable to the mod
"heretofore adopted and used."

Which, by order, was read and concurred in.

Ordered, That Mr. Clowes wait on the House of Assembl
with the foregoing resolution, and inform them that the Counc
are ready to receive them in the Council Room and proceed i
the nomination aforesaid.

Mr. Clowes, being returned, reported the delivery of the sam
according to order.

The Doorkeeper informed the Chair that the House of Assem
bly attended at the door and desired to be admitted, and the
were admitted.

The Council and Assembly being met in the Council Roor
to put in nomination persons to be voted for as Judge of th

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Admiralty of this State, agreeable to the order of the day, on motion,

Resolved, That a committee of five be appointed to wait on his Excellency, the President, and inform him that the General Assembly are now sitting for the purpose of putting in nomination persons to be voted for as Judge of the Admiralty, and know whether his Excellency would choose to attend that nomination.

Messrs. Jones, Hyatt, Craghead, Peery, and Hall are appointed for this purpose; who, being returned, reported that his Excellency said he would wait on the General Assembly immediately.

The President attended in the General Assembly.

Then the members proceeded to put in nomination divers persons, whose names were taken down for the consideration of the members of both Houses.

On motion, agreed that the General Assembly now separate and meet at 3 o'clock this afternoon for the purpose of balloting for a Judge of the Admiralty out of the persons put in nomination in the morning.

Mr. Baning, a member of the Council, delivered to the Chair a message from the President to the Legislative Council, which follows in these words, viz:

"*Gentlemen of the Legislative Council:*

"Complaint is just now made to me, as Commander-in-Chief "of this State, by Thomas White, Esquire, who says a Conti- "nental officer, in virtue of an order or resolution of Congress, "has taken him into custody, and, as he believes, with a design "to carry him out of the State. He says, further, that he is "ready and willing to answer to any charge alleged against "him, but thinks he ought to be charged within the State, &c.

"As the General Assembly is now sitting, I have thought "proper to lay this complaint before the honorable the Council "for their direction. I have also made the House of Assembly "acquainted with it.

"CÆSAR RODNEY.

"April 3d, 1778."

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Which, by order, was read.

The Council, taking the said message into consideration,

Resolved, That the same be referred to a committee of bo Houses, who may report severally thereon; and that the Hou of Assembly be requested to appoint a committee of their Hou to confer with a committee of Council on the subject matter the said message this afternoon.

Resolved, That the President be informed of the foregoi resolution, and that it is the opinion of the Council that he iss his orders to the officer or officers in whose custody Mr. Whi is, that he or they do not remove him from the Town of Dov until the President shall give further order therein.

Ordered, That Mr. Baning wait on the House of Assembly, a also on the President, with a copy of the foregoing resolutions.

Mr. Baning, being returned, reported that he had delivered t same according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That Mr. Hyatt wait on the House of Assembly a inform them that the Council are sitting and are ready to recei the Assembly, when they shall think fit, in order to proceed the ballot for a Judge of the Admiralty.

Mr. Hyatt, being returned, reported that he had so done a cording to order.

Mr. Hall, a member from the House of Assembly, attendi at the door, was admitted and returned to the Chair the resol

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tion of this day respecting the appointment of a committee of both Houses on the subject matter of the President's message, concurred in by the Assembly, who appoint, on the part of that House, Messrs. Craghead, Patterson, and Molleston.

And therefore Messrs. Jones and Vandyke are appointed conferees on the part of the Council, to meet this afternoon.

Mr. Conwell is ordered to inform the House of Assembly of the foregoing appointment; who, being returned, reported that he had so done according to order.

The Doorkeeper informed the Chair that the House of Assembly attended at the door and desired to be admitted, and they were admitted.

The Council and Assembly being met in the Council Room,

On motion,

Resolved, That a committee of five be appointed to wait on his Excellency the President and inform him that the two Houses of Assembly are now sitting for the purpose of balloting for a Judge of the Admiralty and request his attendance.

Messrs. Clowes, Conwell, Lewis, Kollock, and Molleston are appointed for this purpose; who, being returned, reported that the President said that he would attend immediately.

The President attended in the General Assembly, and the ballot being taken down, it appeared that Thomas Rodney, Esquire, was unanimously elected Judge of the Admiralty of this State.

Ordered, That a certificate of the election and appointment of Thomas Rodney, Esquire, to the office of Judge of the Admiralty, be made out and delivered to his Excellency the President, that Mr. Rodney may be commissioned accordingly.

Agreed that the two Houses now separate.

The committee to whom were referred the Militia accounts of Sussex County and the report of the committee for said accounts, now delivered their report at the table, which, by order, was read the first time.

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By special order the same was read a second time and order to lie over for further consideration.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., April 4th, 1778.

The Council met. Present the same members as on yesterda

The committee of Council appointed to confer with a comm tee of the House of Assembly on the subject matter of the Pr sident's message of yesterday, now delivered their report at t table, which, by order, was read and ordered to lie over for co sideration until the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and, taking into consideration the report the conferees on the subject matter of the President's messa of yesterday, thereupon

Resolved, That if any person guilty of or charged with treaso felony, or other high misdemeanor, in any State, shall flee fro justice and be found within this State, he ought, upon dema of the Governor or Executive power of the State from whi such person flees to the President or Executive power of th State, containing the charge, to be delivered up and removed the State having jurisdiction of the offence.

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Resolved, That no inhabitant of this State ought to be taken out of the same to answer to a charge of a fact committed within this State; that in every such case the trial ought to be by a jury of the vicinage where the same arose, and under the laws of the State.

Resolved, That a remonstrance be drawn up by the General Assembly, and transmitted by his Excellency the President, with the said Thomas White, to General Smallwood, claiming the said Thomas White as an inhabitant of this State, and that he be remanded by General Smallwood to the Executive power of this State, together with the charge against him, in order that the same may be heard, tried, and determined on under the laws of this State.

Resolved, That if General Smallwood, in obedience to any order of Congress, should send the said Thomas White thither, that the said remonstrance be sent with him; and that Congress be requested to remand the said Thomas White to the Executive power of this State, together with his offence, in order that the same may be heard, tried and determined on in this State, if the fact he is charged with arose therein.

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence.

Mr. Hyatt is appointed to deliver the foregoing resolutions to the House of Assembly; who, being returned, reported the delivery thereof according to order.

Mr. Clowes having applied for leave of absence till Monday next, the same is granted to him.

Mr. Craghead, a member from the House of Assembly, attending, was admitted and returned to the Chair the bill against desertion, signed by the Speaker of the House of Assembly.

Ordered, That the said bill be signed by the Speaker of the Council.

Which was accordingly done.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the bill entitled "An act against deser-

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tion and harbouring deserters, or dealing with them in certa cases."

Mr. Conwell is appointed to deliver the foregoing resolution the House of Assembly; who, being returned, reported the d livery thereof according to order.

Mr. Lewis, a member from the House of Assembly, attendin was admitted and returned to the Chair the said resolution wi the concurrence of the House of Assembly thereto.

Adjourned till Monday morning, 10 o'clock.

MONDAY, A. M., April 6th, 1778.

The Council met. Present the same members as on Saturda except Messrs. Collins and Vandyke.

Mr. Patterson, a member from the House of Assembly, atten ing, was admitted and delivered to the Chair the following resol tion of that House, viz:

"IN ASSEMBLY, P. M., April 4th, 1778.

"The House, taking into consideration a message from h "Excellency the President of this State relative to the arrest "Thomas White, Esquire, by a Continental officer, said to be "pursuance of a resolve of the honorable Continental Congress

"*Resolved*, That this House have full confidence in the wisdo "and justice of Congress that they will not infringe the rights a "privileges of this State, and therefore that they will not try t "said Thomas White for any crimes which our laws have cogn "zance of."

Which, by order, was read and ordered to lie on the table.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met and resumed the consideration of the report of the committee to whom the report of the committee for Militia accounts of Sussex County was referred, and thereupon agreed that the following alteration and amendment be made in the allowance to Lieutenant Colonel Conwell, to wit:

Deduct from £50 : 7 : 6 (the amount of his account), the sum of £7 : 10 : 0, being an overcharge for pay.

Ordered, That Mr. Clowes wait on the House of Assembly with the Militia accounts for Sussex County, and the foregoing amendment, for their consideration and concurrence.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., April 7th, 1778.

The Council met. Present all the members.

Mr. Clowes now reported the delivery of the Militia accounts and the foregoing amendment, according to the order of yesterday.

The Council resumed the consideration of the bill for the further security of the Government, and after some time spent therein the same was ordered to lie over for further consideration.

Adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, April 8th, 1778

The Council met, but a quorum of the members not attendi
the Council adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., April 9th, 1778

The Council met. Present all the members.

The Council again resumed the consideration of the bill for
further security of the Government, and several amendments
ing proposed and agreed to,

Ordered, That the same be transcribed and sent to the Ho
of Assembly for their concurrence.

Mr. Clowes is ordered to deliver the said bill and amendme
to the House of Assembly; who, being returned, reported t
he had delivered the same according to order.

The committee to whom the bill for regulating and limiting
prices of sundry articles of produce, &c., was recommitted, n
delivered a bill at the table, which, by order, was read the f
time.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

The committee of Council appointed to confer with a committee of the House of Assembly on a resolve of Congress of the 22d November last respecting the opening of subscriptions for a loan of money, to be invested in Continental Loan-Office Certificates, informed the Chair that the conferees on the part of the Assembly had not yet met them, and prayed a longer time.

Mr. Clowes, one of the committee appointed to take into consideration a resolve of Congress of the 3d of September last respecting the importing or otherwise procuring a supply of arms, tents, &c., informed the Chair that the committee were not fully satisfied with the inquiries they had made into this business since their appointment, and therefore prayed a longer time.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., April 10th, 1778.

The Council met. Present the same members as on yesterday.

A member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolutions of that House, viz:

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., April 9th, 1778.

"WHEREAS the honorable the Continental Congress, on the "22d day of November last, among other things did resolve as "follows, viz:

"'*And whereas* the obstruction of the course of justice in any "State may not only prove injurious to its citizens, but also to "the circulation and credit of the currency of such State, and of "the United States,

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"'*Resolved therefore*, That it be recommended to the seve
"States forthwith to take effectual care that justice be duly a
"ministered within their respective jurisdictions, as well for t
"recovery of debts as for the punishment of crimes and misd
"meanors.'

"And this House, taking the said recommendation into co
"sideration, after some time spent thereon, came to the followi
"resolutions:

"1. That nothing so effectually tends to the preservation a
"happiness of a State, and the peace and advantage of the i
"inhabitants, as the impartial administration of justice and d
"execution of the laws, which blessing can only be obtained
"enjoyed by a wise and judicious appointment of persons to f
"the several Courts of judicature in the same.

"2. That it appears to this House that the late appointme
"of Judges and Justices for some of said Courts hath not pr
"duced the said salutary effects, inasmuch as the place of re
"dence of some is by no means calculated for the most ea
"and convenient administration of justice; others of them,
"appointed, have neglected to accept of the places to whi
"they were appointed, and, being unfriendly to the freedom a
"independence of the United States, and the Government of th
"State in particular, have fled to the open enemies thereof; a
"many of them that did accept have neglected to enforce th
"laws of the State, to punish treason and traitorous practices,
"preserve the peace, to punish harbourers of deserters, to pr
"vent discriminating between Continental Currency and the Bi
"of Credit emitted under the authority of the King of Gre
"Britain, and too generally neglected to attend the Courts
"Justice, thereby causing much confusion and dissatisfacti
"among the inhabitants of this Government; and some of the
"have been convicted of a breach of the penal laws of the Stat
"thereby rendering themselves unworthy of so important a trus

"3. That the appointment of two of the Judges of the Supren
"Court of this State who inhabit any one county thereof is i
"convenient, and tends to discourage persons who think then
"selves aggrieved by the determinations of inferior judicatur
"from seeking redress.

"4. That it is the opinion of this House that the resignati

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"of William Killen and John Cook, Esquires, of their commis-
"sions of Justices of the said Supreme Court (as they both reside
"in the same county), is the only legal way whereby the Legis-
"lature of this State may be enabled to remedy the inconveni-
"ence mentioned in the last resolution, by the appointment of
"one person residing in each county to be Justices of the said
"Court.

"5. That the Clerk of this House forthwith send copies of the
"two last resolutions to William Killen and John Cook, Esq'rs.

"6. That the General Assembly address the President of this
"State, desiring him to displace such of the present Judges and
"Justices of this State as he shall have good reason to believe
"have been guilty of any of the misdemeanors above recited."

Which resolutions were, by order, read.

The Council now resumed the consideration of the bill for regulating and limiting the prices of sundry articles of produce, &c., and after some time spent therein, ordered to lie over for further consideration.

Mr. Craghead, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the Militia accounts of this State and the six amendments proposed thereto by the Council, three of which that House acceded to, and the remaining three they disagreed to, and the Council thereupon receded therefrom.

The House of Assembly also proposed the following addition to be made to the general account of the Militia of Kent County, to wit:

[46. William Hudson, per account, £5 : 10 : 1.]

To which the Council agreed.

The committee appointed to take into consideration a resolve of Congress of the 3d of September last respecting the importing or otherwise procuring a supply of arms, tents, &c., now delivered their report at the table, which, by order, was read the first time.

Mr. Hall, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following message from the Assembly to the Council, viz:

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"*Gentlemen:*

"The House of Assembly have taken into consideration t
"amendments proposed by your honorable House to the bill e
"titled 'An act for the further security of the Government,' a
"are sorry to say they cannot accede to divers of the sa
"amendments, and therefore propose to your honorable Hous
"as the most expeditious way of determining this business, t
"appointment of committees of both Houses to confer on the su
"ject matter of the said amendments, who may report thereon

Which, by order, was read the first time.

By special order the same was read the second time, and, motion,

Resolved, That an answer to the said message be drawn up.

Which was accordingly done at the table, and is as follow to wit:

Gentlemen:

The Council have considered your message of this day relati to the amendments proposed by the Council to the bill entitl "An act for the further security of the Government," and cann concur in your proposition of committees of conference at t stage of the business, as we apprehend the more regular and e peditious mode would be for your honorable House to have se the bill back to the Council with your accession to such of sa amendments as your House concur in, and the reasons which i duced you to reject the others. Those, perhaps, might indu the Council to recede from the amendments which you reject. not, then a conference might be regularly brought about.

Which, by order, was read and approved of.

Ordered, That the same be signed by the Speaker of t Council.

Which was done accordingly.

Ordered, That Mr. Clowes wait on the House of Assemb with the said answer.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, April 11th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Clowes reported that he had delivered to the House of Assembly the answer from the Council to the message of the Assembly agreeable to the order of yesterday.

The resolutions of the House of Assembly respecting the administration of Justice, Judges, and Justices were, by order, read the second time, and thereupon

Resolved, That a committee of three be appointed to take the said resolutions into consideration and report thereon.

On motion, Messrs. Vandyke, Jones, and Collins are appointed a committee for this purpose.

The report of the committee appointed to take into consideration the resolve of Congress of the 3d of September last, respecting the importing or otherwise procuring a supply of arms, tents, &c., was now, by order, read the second time, and, after some consideration had thereon, that part of the report which related to the fitting out vessels for the importing of arms, &c., was disapproved of, and the other parts were referred to the same committee, to draw up a set of resolutions, founded thereon, to be adopted by the Council, and make report in the afternoon.

On motion of Mr. Hyatt for leave of absence till Tuesday next, the same is granted to him.

On motion of Mr. Conwell for leave of absence till Monday next, the same is granted to him.

Ordered, That the Militia accounts of this State, together with the papers and vouchers, be returned to the House of Assembly in order to be signed by the Speaker of that House, and that it be recommended to that House to provide for the payment and discharge of said accounts.

Mr. Jones is appointed to deliver the same to the House of Assembly; who, being returned, reported that he had delivered the same according to order.

Adjourned till Monday morning at 10 o'clock.

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MONDAY, April 13th, 1778.

The Council met, but a sufficient number of members to for a House not attending, the Council adjourned till to-morro morning, 10 o'clock.

TUESDAY, April 14th, 1778.

The Council met. Present all the members except Messr Hyatt, Conwell, and Clowes.

A member from the House of Assembly, attending, was admi ted and delivered to the Chair "An act for establishing a Milit within this State," which, by order, was read the first time.

The same member also delivered to the Chair the bill for th further security of the Government, and the amendments pr posed thereto by the Council, some of which the House Assembly had acceded to, and disagreed to the others; wit an answer from the House of Assembly to a message from th Council, assigning their reasons for disagreeing to the sam which follows in these words, viz:

"*Gentlemen:*

"When we proposed to your honorable House the appoin "ment of a committee of conference on the subject matter of th "amendments proposed by you to the bill for the further securi "of the Government, we had in view the dispatch of busine "only; but as you were not pleased to agree with our propos "conference, we now send you the said bill, with our reasons f "not acceding to such of your amendments as have been rejecte "by this House.

"Your proposed amendment for leaving out the word [May "in the 13th line of the first page, and inserting instead thereof th "word [July], we cannot agree to, because we think it is now tim

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"for every inhabitant of this State to determine within himself "whether he will be for or against it. But as the first of May is "too short a time to carry the law into execution, we now pro- "pose an amendment to the amendment proposed by your hon- "orable House, by leaving out the word [July] and inserting "instead thereof the word [June].

"Your 6th proposed amendment, for leaving out the word "[defend], this House cannot accede to, because we think every "person who receives protection from the laws of this State "ought to render his service in defence thereof.

"Your 7th amendment, for leaving out the words [and the "Constitution thereof as now established], we cannot agree to, "because the Constitution of this State hath pointed out a way "by which the same may be altered.

"Your 27th amendment, for leaving out the whole of the 6th "enacting clause after the word [juryman] and inserting instead "thereof [and under the aforesaid disabilities shall remain, &c.,] "this House have not acceded to, because they are of opinion a "line of discrimination ought to be drawn between those who "now acknowledge their allegiance to this State and the Govern- "ment thereof and those who refuse or neglect to do the same; "and every inhabitant of this State who shall neglect or refuse to "acknowledge his allegiance thereto, in the time limited by the "laws thereof, will not be entitled to the immunities and protec- "tions of the same so long as he shall neglect giving testimony "of his attachment and fidelity to the Constitution of this State, "and ought not to be permitted to enjoy the privileges derived "from its laws, until he give satisfaction that he hath not injured "the freedom thereof.

"Your 32d amendment, proposing the leaving out of the "whole of the 10th enacting clause and instead thereof inserting "[*And be it enacted by the authority aforesaid*, That the Justices "of the several Counties, &c.,] this House cannot agree to, for "the same reason by them given for not acceding to the 27th "amendment.

"The other amendments proposed by your honorable House "are acceded to by the House of Assembly."

Which, by order, was read the first time.

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The committee appointed to draw up a set of resolutic founded on the report of the committee appointed to take i consideration a resolve of Congress of the 3d of September l respecting the importing or otherwise procuring a supply arms, &c., now delivered a set of resolutions at the table, whi by order, were read and approved of, and are as follows, viz

Resolved, That the President be empowered to procure, loan or purchase, for and in behalf of this State, any number arms and quantity of ammunition that he may think necess for the defence of the State the ensuing campaign.

Resolved also, That the President be requested to apply the commanding officer of the Delaware Battalion for leave detain under his enlistment a certain John Watkins, by trade armourer (a soldier in said battalion), for the purpose of rep ing the arms in the hands of the Militia, and also those belong to the State.

Resolved also, That the President be requested to appoint or more persons whose business shall be to enter into a contr with the said John Watkins for his labor and the use of his to at any sum not exceeding £15 per month and a soldier's Co nental ration per day, and to provide a shop in or near the To of Dover for the said Watkins to work in, and to superinte him in the said business.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., April 15th, 1778

The Council met. Present all the members.

The answer from the Assembly to the message from Council, setting forth their reasons for disagreeing to some the amendments to the bill for the further security of the G ernment, was now read a second time, and the Council proce ed to the consideration of the amendments disagreed to by House of Assembly severally, and, upon the question,

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The Council receded from the 3d amendment and agreed to month of June being inserted instead of the month of July.

As to the 6th, 7th and 27th amendments, the Council adhered the same.

As to the 32d amendment, the Council adhered to the first and part thereof, but receded from the clause requiring the mem- s of Assembly and officers, &c., to take the oath, &c., within e month, &c.

As to the 33d amendment, the Council adhered to the same, h the alteration of the month of July for June, to make the ne correspond with the first clause in the bill.

And thereupon Messrs. Collins and Vandyke were appointed committee to draw up a message to the Assembly containing asons for adhering to the amendments as aforesaid.

The committee to whom the resolutions of the House of As- mbly of the 9th instant, respecting the administration of justice, c., were referred, now delivered their report at the table, which, order, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, the bill for establishing a Militia within this State as, by order, read the second time and ordered to lie over for rther consideration.

On motion, the bill for regulating and limiting the prices of ndry articles of produce, &c., was now read by paragraphs, nd, after some consideration had thereon, was ordered to lie ver till to-morrow morning.

Adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, A. M., April 16th, 1778.

The Council met. Present the same members as on yesterday.

On motion made that the Council now proceed on the regulating bill, partially gone through on the last evening, and the question being put, the House are equally divided, and the Speaker decided in favor of the question, and, on motion of Mr. Clowes, that the yeas and nays be entered on the question, they are as follows, viz :

For the affirmative—Thomas Collins, John Baning, Richard Bassett, Nicholas Vandyke.

For the negative—John Clowes, William Conwell, Peter Hyatt, John Jones.

And the Council accordingly proceeded on the said bill, and after divers amendments proposed and agreed to, the same passed the Council, and was ordered to be transcribed and sent to the House of Assembly for their concurrence.

Ordered, That Mr. Hyatt deliver the said bill and amendments, and also the resolutions of the Council of the 14th instant respecting the procuring a supply of arms and ammunition and engaging an armourer for the use of the State, to the House of Assembly.

Mr. Armstrong, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled "An act to enable Charles Pope, of the County of Kent, his heirs, executors or administrators, to erect a bridge over Duck Creek ;" and also two several petitions, the one by the said Charles Pope, praying for leave of the General Assembly to erect a bridge over Duck Creek, the other, signed by sundry inhabitants of Duck Creek, praying that the same may not be granted, to the destruction or damage of a public wharf and landing place there.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met, and resumed the consideration of the reso-ions of the House of Assembly respecting the administration justice, &c., and the report thereon, and, after some amend-nts made, the same was postponed till to-morrow morning.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., April 17th, 1778.

The Council met. Present the same members as on yesterday.

The Council proceeded in the consideration of the resolutions specting the administration of justice, and agreed to further nendments.

Ordered, That Messrs. Vandyke and Jones be a committee to aw up a message to the House of Assembly stating the reasons r these amendments.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

Mr. Hyatt now reported the delivery of the papers give him in charge to the House of Assembly according to the o of yesterday.

The committee appointed to draw up a message to the H of Assembly, stating the reasons of the Council for adherin their amendments to the bill for the further security of the ernment, disagreed to by the House of Assembly, now bro one in, which, being read and agreed to, is as follows, viz:

Gentlemen:

The Council, taking into consideration as well those am ments which they had proposed to the bill for the further sec of the Government, and disagreed to by your honorable Ho as the amendments proposed by your House to our third am ment, do recede from their 3d amendment and agree to inser word [June] instead of the word [May], as in the bill.

As to their 6th amendment, they adhere to the same, for the word [defend] may be construed by some to extend to l ing arms; and although it is very just that whoever has pr tion under a government is bound to defend the same, yet defence is not to be required but agreeable to law founded o principles of the Constitution. It is well known that some inh tants of this State are conscientiously scrupulous to bear in any case, and under the 10th article of the Bill of Rights not to be compelled to yield personal service if they will pa equivalent for the same.

As to their 7th amendment, they adhere to the same, f much as the greater part of the articles of the Constitution subject to an alteration by an express provision in the 30th a thereof, and no person should be compelled to support it *as established.*

As to their 27th amendment, they adhere to the same, for

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words following the word [juryman], in that clause of the , are too general and uncertain; and as it is not the inten- n of the House of Assembly, appearing from the 9th clause the bill, to prevent those who do not take the test by the e limited therein when the disabilities are to take place from ing it any time after, the Council cannot forsee any advantage ich can arise to the State by obliging such persons to produce uchers.

As to the 32d amendment, the Council adhere to that part of which proposes the leaving out of the bill the 9th enacting use, the same being provided for in their 27th amendment, hered to as aforesaid; and they also adhere to the latter clause, proposed therein, which provides for persons under age at the e limited in the bill for taking the test to take the same within ee months after, except as to the word [July], in the 3d line the clause, instead of which insert the word [June], to make e same correspond with the first clause in the bill; but the uncil recede from that part of the said amendment which di- cts members of Assembly and officers to take the oath, &c., thin one month after publication, &c., rendered unnecessary adopting the word [June] in the third amendment.

As to the 33d amendment, the Council adhere thereto, with e alteration of the word [July], in the 5th line of the clause, the word [June], for that it is a necessary provision in con- quence of the 27th amendment adhered to, and for that the ause which it is to supply is inaccurate and defective.

Ordered, That the same be transcribed and signed by the peaker, which being done,

Ordered, That Mr. Conwell deliver the said message and bill, ith the list of amendments, to the House of Assembly.

Mr. Clayton, a member from the House of Assembly, attend- g, was admitted and delivered to the Chair a message from the resident to the House of Assembly, founded on a letter which e had received from Governor Johnson, of Maryland, request- g that some of the Militia of this State might join and act with e several companies ordered by the State of Maryland for the urpose of covering the Continental stores purchased in these o States in their removal to the magazines, together with Gov- nor Johnson's letter, which, by order, were read.

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The same member also delivered the following resolutio
the House of Assembly, founded on the President's message
Governor Johnson's letter, viz :

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., April 16th, 177

"*Resolved*, That upon consideration of the present circ
"stances of the State, this House cannot expediently concu
"the above mentioned message of his Excellency the Presid
"and that Mr. Clayton wait on the Council and lay before t
"the said message and the letter therein referred to."

Which, by order, was read the first time.

The committee of the Council appointed to confer with a c
mittee of the House of Assembly on a resolve of Congress of
22d of November last, respecting the opening of subscripti
for the loan of money to the United States on Continental Lo
Office Certificates, now delivered their report at the table, wh
by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., April 18th, 177

The Council met. Present the same members as on yesterd

Mr. Conwell reported that he had delivered to the House
Assembly the message and bill, with its amendments, accord
to the order of yesterday.

The resolution of the House of Assembly, founded on
President's message and Governor Johnson's letter, was rea
second time, and the following alteration or amendment was p
posed and agreed to, viz :

Resolved, That it be recommended to the President to aff
such aid from the Militia of this State, to act in conjunction w

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land, in covering the Continental stores
d on the Eastern Shore of Maryland in
zines, as he shall think may be spared
gard to the protection of the inhabitants
e shore of the Delaware, and the rein-
ood, agreeable to his prior requisition.

nwell return the resolution aforesaid,
said, for concurrence.

, P. M.

EODEM DIE, P. M.

om the House of Assembly, attending,
ed to the Chair the bill for the further
t, with the amendments of the Council

delivered to the Chair the following
of Assembly to a message from the

mbly have taken into their considera-
sterday containing the reasons of your
hering to divers amendments by you
he further security of the Government,
y of the amendments therein mention-
the Council, and therefore propose to
ment of committees of both Houses to
atter of the said amendments, to meet
on, who may report thereon."

ad, and the Council thereupon acceded
House of Assembly for the appointment
es on the subject matter of the amend-
uncil to the bill for the further security

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of the Government, and named Messrs. Bassett and Baning
the part of the Council.

Ordered, That Mr. Conwell wait on the House of Assemb
with the concurrence and appointment aforesaid.

The committee appointed to draw up a message to the Hou
of Assembly, stating the reasons which induced the Council
reject the 2d and 6th resolves of the House of Assembly respec
ing the administration of justice, &c., now delivered one at t
table, which, by order, was read the first time.

By special order the same was read a second time and order
to be transcribed and signed by the Speaker, and follows in the
words, to wit :

Gentlemen :

The Council have considered your resolution respecting t
administration of Justice, Judges, &c., and have rejected t
second and sixth for the following reasons, to wit :

The second, for that the same contains general charges again
the officers of the State, and the allegations therein we concei
ought to have been communicated to the Council, by way
message, requesting that a mode of removal might be adopt
by the General Assembly, or a joint committee of both Houses

The sixth, because the officers to be removed on the addre
of the General Assembly ought to be named, otherwise t
President would be obliged to inquire what persons should
removed, which would be to make him the judge, and not t
General Assembly, to whom that right properly belongs und
the Constitution of this State.

We apprehend that by the 23d article of the Constitution thr
modes are pointed out by which officers may be displaced, to w
By impeachment before the Legislative Council ; conviction
common law, or on the address of the General Assembly.
the last, the General Assembly have a power to call such perso
before them, inquire into their conduct, and, if they appear i
proper for such offices, to supercede them by a new appointme
and address to the President to commission the persons so a
pointed.

The Council have proposed amendments to the third, fourt

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e transmitted to your House herewith;
ed to.

well wait on the House of Assembly
e and resolves of the House of Assem-
proposed thereto by the Council.

norning, 10 o'clock.

MONDAY, A. M., April 20th, 1778.

ent the same members as on Saturday,
ndyke, and Collins.

hat he had delivered to the House of
ers given him in charge according to

eration of the bill for establishing a
s resumed, and after some time spent

P. M.

EODEM DIE, P. M.

m the House of Assembly, attending,
to the Chair the amendment proposed
ve of the House of Assembly upon the
House of Assembly of the 16th of this
quisition from Governor Johnson, con-
Assembly.

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Ordered, That a certified copy of the said resolve, as n agreed to, be delivered to the President.

The same member informed the Chair that Messrs. Patterso Armstrong, and Peery are appointed, on the part of the Hou of Assembly, to confer with the committee of Council on t subject matter of the amendments proposed by the Council the bill for the further security of the Government.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., April 21st, 1778.

The Council met. Present the same members as on yesterda and also Messrs. Vandyke and Collins.

The Council proceeded on the consideration of the bill establishing a Militia, and after some amendments proposed a agreed to, the remaining clauses were postponed for further co sideration.

Mr. Clark, a member from the House of Assembly, attendin was admitted and returned to the Chair the resolutions of t Council of the 14th instant, respecting the procuring a supp of arms and ammunition, &c., with several amendments pr posed thereto by the House of Assembly.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee of Council appointed to confer with the co mittee of the House of Assembly on the subject matter of t amendments proposed by the Council to the bill for the furth

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nt, now delivered their report at the
s read the first time.

v morning, 10 o'clock.

WEDNESDAY, April 22d, 1778.

ent the same members as on yesterday.

ration of the bill for establishing a Mi-
er some time spent thereon the same

v morning, 10 o'clock.

THURSDAY, April 23d, 1778.

nt the same members as on yesterday.

n the consideration of the bill for es-
ter some time spent thereon the same

r from the House of Assembly, attend-
vered to the Chair "Rules and articles
the Militia;" and also certain resolu-
embly for borrowing, upon the credit

returned to the Chair the amendments
o the resolutions of the House of As-
inistration of justice, &c., two of which
se of Assembly had agreed to, and to
ad disagreed; their reasons for disa-

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greeing to which are set forth in a message to the Council, de
ered at the same time, which follows in these words, viz:

"*Gentlemen:*

"The Assembly have considered your message of the 18th
"April, likewise the amendments proposed to their resoluti
"respecting the administration of justice, &c., and are of opin
"that the reasons given by the honorable Council are insuffici
"to induce us to accede to the first and second amendme
"proposed; therefore cannot recede from our second resoluti
"because the allegations therein mentioned we believe to be s
"evident and well-attested facts, known to have been commit
"by several of the Judges and Justices in some of the coun
"within this State, and therefore were alleged generally, t
"those guilty of the facts mentioned therein may be more pr
"erly pointed out in an address to the President by the Gen
"Assembly; neither has the honorable Council denied the fa
"therein mentioned, and if wholly rejected would make the re
"lutions testify that the appointment of two Judges of the
"preme Court, who resided in one county (though gentlem
"of character), was the only grievance or inconvenience t
"hath been or now doth exist in the Executive Department, a
"that justice in every other part hath been duly administer
"which, we believe, cannot be verified.

"The Assembly adhere to their third resolution, because
"reason appears to them or is assigned by the Council for alt
"ing the same.

"The third and fourth amendments proposed are acceded
"by the Assembly.

"Should the honorable Council remain dissatisfied as to
"propriety of our second resolution, we beg leave to propose
"your House a committee of conference on the subject mat
"therein contained."

Which, by order, was read the first time.

Adjourned till to-morrow morning at 10 o'clock.

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FRIDAY, April 24th, 1778.

The Council met. Present the same members as on yesterday.

The consideration of the bill for establishing a Militia was re-med, and after some time spent thereon was postponed till to-orrow.

Mr. Conwell having applied for a leave of absence for a few ys, the same is granted to him.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, April 25th, 1778.

The Council met. Present the same members as on yesterday, xcept Mr. Conwell.

The Council now proceeded on the further consideration of the ill for establishing a Militia, which by the order of yesterday was ostponed till to-day, and sundry amendments were proposed nd agreed to.

Ordered, That the same be transcribed and sent to the House f Assembly for concurrence; and that Mr. Clowes wait on the louse of Assembly with the said bill and its amendments.

Adjourned till Monday morning, 10 o'clock.

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MONDAY, April 27th, 177

The Council met, but a quorum of the members not attend the Council adjourned till to-morrow morning, 10 o'clock.

TUESDAY, April 28th, 177

The Council met, but a quorum of the members not attend the Council adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., April 29th, 177

The Council met. Present all the members, except Me Hyatt and Conwell.

The amendments proposed by the House of Assembly to resolutions of the Council of the 14th instant, respecting the curing a supply of arms, &c., were, by order, read, and fu amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent to the H of Assembly.

Mr. Clowes is appointed to deliver the same to the Hous Assembly for concurrence.

The resolutions of the House of Assembly for borrowing,

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the credit of the State, 7,500 dollars, were, by order, read the first time.

The rules and articles for the better regulating of the Militia, were, by order, read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Conwell now appeared and took his seat in the Council.

Upon motion and order,

The report of the committee of conference to whom the resolves of Congress of the 22d of November last, respecting the opening of subscriptions for the loan of money on Continental Loan-Office Certificates, were referred, was read a second time, and thereupon

Resolved, That three persons in each County of this State be appointed by the General Assembly for the purpose of promoting and taking subscriptions, specifying the names of persons willing to lend money to the United States of America on Continental Loan-Office Certificates, and the sums they respectively undertake to furnish on such certificates, not less than 200 dollars on any one certificate.

Resolved also, That subscription papers for the purpose aforesaid be put into the hands of the persons so appointed, of the tenor following, to wit:

We, the subscribers, do hereby engage to pay, on demand, into the hands of the Commissioner of the Continental Loan Office for the Delaware State, the sum or sums of money to our respective names annexed, for and in lieu of the said office certificates.

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A copy whereof, when subscribed by any number of perso shall be transmitted by the persons respectively taking the sa at least once in four months, to the Commissioner of the Co nental Loan Office of the State, and a duplicate thereof by forthwith sent to Congress, that they may be enabled, as far a practicable, to ascertain the supplies for the war which may raised in this State upon Loan-Office Certificates.

Ordered, That the same be transcribed and sent to the Ho of Assembly for their concurrence.

Mr. Clowes is appointed to deliver the same to the House Assembly.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., April 30th, 177

The Council met. Present all the members, except Mr. Hy

Mr. Clowes now reported that he had delivered to the Ho of Assembly the several papers given to him in charge, accord to the order of yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M

The Council met.

The rules and articles for the better regulating of the Mi were, by order, read a second time, and sundry amendm were proposed and agreed to.

Ordered, That the same be transcribed and sent to the Ho

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nsideration and concurrence, and that same, with their amendments, to the

divers inhabitants of Murtherkill and the aid of the Legislature in establish- of the Delaware, particularly at the d Jones' creeks, was delivered at the the first time.

w morning, 10 o'clock.

FRIDAY, A. M., May 1st, 1778.

ent all the members, except Mr. Hyatt.

hat he had delivered to the House of rticles for the better regulating of the ients, according to the order of yester-

ber from the House of Assembly, at- d returned to the Chair the resolutions the procuring a supply of arms and e several amendments to the same.

returned to the Chair the resolutions the opening of subscriptions for the ental Loan-Office Certificates, with an ne House of Assembly, which, being to, were ordered to be transcribed and sembly in order to be signed by the

d to deliver the same to the House of

House of Assembly of the 23d of April,

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containing their reasons for disagreeing to certain amendment of the Council to their resolutions respecting the administration of justice, &c., was, by order, read a second time, and thereupon

Resolved, That a committee of two be appointed to draw up an answer to the said message, expressing the reasons of the Council for adhering to their amendments to the said resolutions.

On motion, Messrs. Vandyke and Jones are appointed a committee for this purpose.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The report of the committee of Council appointed to confer with a committee of the House of Assembly on the subject matter of the amendments proposed by the Council to the bill for the further security of the Government, was, by order, read a second time and postponed.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., May 2d, 1778.

The Council met. Present the same members as on yesterday.

Mr. Bassett reported that he had delivered to the House of Assembly the several papers given to him in charge, according to the order of yesterday.

The committee appointed to draw up an answer to the message

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from the House of Assembly of the 23d of April, now delivered a draught of one at the table, which, by order, was read the first time.

On motion of Mr. Jones, for leave of absence till Thursday next, on account of his indisposition, the same is granted to him.

The petition from the inhabitants of Murtherkill and Jones' Hundreds, praying the aid of the Legislature in establishing guards, &c., was read a second time, and thereupon

Resolved, That a committee of three be appointed to take the said petition into their consideration and report some plan whereby guards may be fixed according to the prayer of the said petitioners.

On motion, Messrs. Vandyke, Collins and Clowes are appointed a committee for this purpose.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The Council, taking into consideration the resolutions of the General Assembly of the 25th of February last, for completing of the Delaware Regiment, and it appearing that the deficiency in the number therein mentioned hath not as yet been made up, and that the time limited in the said resolves for the premium to the recruiting officers and the additional bounty to each soldier enlisted expired on the first of this instant; therefore

Resolved, That the premium and bounty allowed to the officer and soldier, as mentioned in the said resolves, be continued till the first day of July next.

Resolved also, That it be recommended to the President that he make application to General Smallwood, or such other persons

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as he may think proper, for a suitable number of officers be ing to the same battalion to be continued on the recruiting se

Ordered, That the same be transcribed and sent to the H of Assembly for their concurrence.

Mr. — is appointed to deliver the same ; who, being retu reported that he had delivered the same according to order.

Adjourned till Monday morning, 10 o'clock.

MONDAY, May 4th, 17

The Council met, but a quorum of the members not atten the Council adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., May 5th, 17

The Council met. Present all the members, except M Hyatt and Jones.

Mr. Craghead, a member from the House of Assembly, at ing, was admitted and returned to the Chair the resolutions Council respecting the procuring a supply of arms and amm tion, &c., concurred in by the House of Assembly. Als resolutions of the Council respecting the opening of subscrip for the loan of money on Continental Loan-Office Certifi concurred in by the House of Assembly ; and also the resolu of the Council for completing the Delaware Regiment, wit concurrence of the House of Assembly thereto.

The same member likewise delivered to the Chair the M bill and the amendments proposed thereto by the Council ;

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whereof the House of Assembly have rejected, and to others they have agreed, with an additional amendment proposed thereto by the House of Assembly, and the following message, to wit:

"*Gentlemen:*

"The House of Assembly, having considered the amendments proposed by your honorable House to the act entitled "'An act for establishing a Militia within this State,' do agree to "many of them, but cannot approve of all, the House still being "of opinion that it is necessary to have two sub-lieutenants as "well as one lieutenant in each county to carry into due execution the Militia law, have therefore rejected the 1st, 2d, 3d, 4th, "12th, 17th, 27th, 40th, 45th, and 46th amendments, because, "by admitting them, the advantages expected from those officers "would be lost to the Militia.

"The House have disagreed to the 37th amendment, because "they do not perceive any advantage from the variation of expression therein proposed by your honorable House. The 71st "amendment is rejected, as being merely consequent to the 37th.

"The House agree, in part, with the Council in the 47th "amendment, and propose, as an amendment to it, to leave out "the particle [a], before the word [colonel], and adding the "letter [s] to the end of the word [colonel]. That part of the "proposed amendment for leaving out all the words following the "word [regiments], in the fifth line of the 15th enacting clause, "the House cannot agree to, as depending on the first amendment proposed by Council and rejected by the Assembly.

"The House have disagreed to the 61st amendment, because "they are of opinion that the fine, as it stands in the bill, does "not, by any means, exceed the offence that a commissioned "officer would be guilty of in neglecting to attend his duty on "alarms. The same reason influenced the House in rejecting "the 62d amendment.

"The House, apprehending that the 21st section of the bill "has already provided for the government of the Militia of this "State, at all times and places, as well within as without the "State, by such articles of war only as may be established by the "General Assembly, and also apprehending that the honorable "Continental Congress have fully provided, in their articles of

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"of war, that the Militia of the respective States should always
"when called into Continental service, be governed by the ar
"ticles and regulations of their own States only where such art
"cles and regulations were made by the Legislature, and hav
"therefore rejected the 73d amendment as unnecessary.

"The 81st amendment the House of Assembly cannot acced
"to, because they conceive that sufficient provision is made fo
"preventing any imposition and injustice in 14th section, 15t
"page. They further conceive that if the amendment propose
"was agreed to, such delays might and would happen in th
"courts of law as would defeat the intention of the act.

"The House have rejected the 82d amendment, because the
"are of opinion that nothing in the act will, in any measure
"invalidate the act entitled 'An act for the more speedily com
"pleting the quota of troops to be raised in this State for th
"Continental army.'

"Besides the amendment proposed to the 47th amendment
"made by your honorable House, the Assembly have mad
"some small amendments to the bill, and also some amendment
"to several of the amendments made by the Council, which ar
"sent up to your honorable House for consideration."

Which, by order, was read the first time.

By special order the same was read a second time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Derrickson, a member from the House of Assembly, at
tending, was admitted and delivered to the Chair the rules an
articles for the better regulating of the Militia, with the amend
ments proposed thereto by the Council, agreed to by the Hous

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of Assembly, and an additional amendment proposed by the House of Assembly.

The same member also delivered to the Chair the following notice of that House, to wit:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, A. M., May 5th, 1778.

"On motion,

"*Resolved*, That it is the intention of this House to adjourn "on Saturday next, for this present sitting, to some future day, "and that Mr. Derrickson wait on the Council with a copy of "this resolution."

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., May 6th, 1778.

The Council met. Present all the members, except Mr. Jones.

Mr. Clark, a member from the House of Assembly, attending, was admitted and delivered to the Chair "A bill to increase the number of the Justices of the Peace in each of the Counties of this State."

The Council now resumed the consideration of the Militia bill and such of the amendments which had been proposed by the Council to the House of Assembly and either disagreed to by the Assembly generally or further amendments proposed and have receded from several of their said amendments, whereupon a second paper of amendments was proposed by the Council to the amendments of the House of Assembly, and an answer from the Council to the message of the House of Assembly of yesterday, stating their reasons for adhering to their other amendments, was drawn up at the table, which, being read and approved of, is as follows, viz:

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Gentlemen:

Upon a review of the Militia bill and such of the amendment which had been proposed by the Council to your honorabl House, and either disagreed to by you generally or furthe amendments proposed, the Council have receded from their sev eral amendments which were made for the purpose of excludin the appointment of such officers as sub-lieutenants, upon th supposition that they may be, as you suppose, necessary officer for carrying the law into due and immediate execution, or les any failure in the execution might be imputed to such an altera tion in the bill. But the Council cannot agree to your fourt amendment, proposing the leaving out of the word [schoolmas ters], mentioned in our 31st amendment, as we consider the ver few engaged in that service so necessary for the education of th youth of the State that every encouragement should be given t them to pursue that business with the strictest attention. Ever parent who reflects upon or regards the welfare of his offspring every guardian of the rights of a free people, must wish to en courage and promote learning; and such has been the fatal effect of the times on schools and seminaries of learning in this Stat that we think it worthy the attention of the Legislature to affor at least the proper exemption to the teachers in them. But les this exemption might be improperly used by setting up pretende schools, we have proposed an addition after the word [schoolmas ters], as in No. 4 of our second amendments.

The Council adhere to their 37th amendment, as well as to th transposing of the paragraph, for that by our amendment it wi be connected with a provision of the like nature as to the length ening of the time for the election of the company officers; fo that the Council think it too short as it stands in the bill.

As to the 44th amendment, the Council are of opinion that th amendment proposed thereto by your House will raise the fin beyond the abilities of most of the poorer delinquents to pay; i will rather tend to prevent the execution of the law than furthe it. An additional amendment is proposed for dividing the quan tum of the fine, and doubt not that it will appear so to your hon orable House on further consideration. As to our 47th amend ment, we apprehend that we have acceded to it in the form th House of Assembly intended it should be, though somewhat dif ferent from the form pointed out in your amendment thereto.

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The Council have acceded to the first part of your amendment stated in No. 8, but they cannot agree to the latter part thereof, as they are of opinion that persons qualified to do the duties of lieutenants or sub-lieutenants could not be had to accept of a temporary appointment by the President, subject to a sudden removal by the General Assembly; and the Council apprehend it necessary to strengthen the hands of the Executive Department, to render it useful, and give a necessary influence for the due execution of the laws.

As to the clause in our 81st amendment, providing an appeal from the determination of a single Justice upon a fine that may amount to one hundred and seventy pounds or more on a single person, we cannot recede therefrom, as we think it a very necessary guard against the fallibility of such a judicature and consistent with the spirit of our laws, which we ought not to loose sight of lest precedents of this sort should take place and destroy that liberty and property we are so anxiously contending for and seeking after. The delay cannot be great, unless we suppose the Courts of Justice, upon the appeal, shall not think themselves bound by the express provision made for a speedy determination, which is not to be inferred; for, if so, the same suspicion will lie against the single Judge, who will otherwise act without control or review.

The Council adhere to their 82d amendment, for that they have their doubts as to the operation of the Militia law upon the prior act for the more speedily completing the quota of troops to be raised in this State for the Continental army; and if the Judge or Judges, who are to determine thereon hereafter, should doubt also, they will be subjected to difficulties which will be removed by adopting our amendment; and as the House of Assembly, from their reason assigned for rejecting the amendment, shew expressly that it is not their intention to invalidate that act, they can have no objection to remove the doubts of the Council by acceding to the amendment.

As to the 10th amendment, proposed by the House of Assembly to be added to the 13th section of the bill, the Council agree to the same, but have thought it just and necessary that a further addition should be made there, as set down in the further amendment accompanying this answer, No. 7, providing for such among us who may be conscientiously scrupulous of bearing arms in any

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case, agreeable to the spirit as well as the express words of th
10th clause in our declaration of rights, for that the Council ar
of opinion that the several fines that those sort of people will b
subjected to under the present law will be a full equivalent fo
their protection and defect of personal service, independent o
the accumulated fine for not going out upon a second call of th
same class in any one year.

The Council think it unnecessary to particularize each of the
further amendments, as those unnoticed depend on the like rea
sons assigned on their similar amendments, and therefore refe
your honorable House to the further amendments set down i
their second paper of amendments delivered with the answer.

Ordered, That the said answer and amendments be transcribe
and sent by Mr. Hyatt to the House of Assembly.

The committee to whom was referred the petition from sundr
inhabitants of Murtherkill and Jones' Hundreds, praying the ai
of the Legislature in establishing guards, &c., now made thei
report, which, by order, was read the first time.

And, by special order, the same was read a second time, an
thereupon resolved, as follows, viz:

1. That the President or Commander-in-Chief be authorize
and empowered forthwith to raise three companies in this State
to wit: one company in the County of New Castle, to consist o
sixty men, non-commissioned officers and privates, under th
command of one captain and two lieutenants; one company i
Kent County, to consist of seventy-five men, non-commissione
officers and privates, under the command of one captain and tw
lieutenants; and one company in Sussex County, to consist o
forty men, non-commissioned officers and privates, under th
command of one captain and one lieutenant. The said captain
and lieutenants to be appointed and commissioned by the Pre
sident or Commander-in-Chief.

2. That the said officers and men shall be entitled to and re
ceive Continental pay and rations, and shall be subject to th
rules and articles of war, provided for the regulation of the Militi
of this State, during their continuance in this service.

3. That the President or Commander-in-Chief be empowere

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to discharge the whole, or any one, or any part of the said companies when he shall think proper.

4. That the said companies be stationed near to or along the shores in the respective counties of this State, in such places and in such manner as the President or Commander-in-Chief shall from time to time think fit to order and direct.

5. That the duty of the said companies respectively shall be to prevent the enemy and refugees from landing in the State; to apprehend, take up and secure any person or persons going to, coming from, or trading with the enemy or the said refugees, together with all their goods, merchandise and provisions, and the teams and boats in which the same be, and to render a true account thereof to the President or Commander-in-Chief, and deliver the same to his order or appointment.

6. That the President or Commander-in-Chief be empowered to appoint one or more suitable persons in each county to furnish the company of such county with the rations allowed; and that it be recommended to the House of Assembly to make provision for the execution of the aforesaid plan.

Ordered, That the same be transcribed and sent by Mr. Hyatt to the House of Assembly for their concurrence.

Mr. Waples, a member from the House of Assembly, attending, was admitted and delivered to the Chair an account of Thomas Wilds, Goaler of Kent County, for expenditures on behalf of several prisoners and deserters in his custody, together with his petition to the General Assembly for the payment thereof, and the proceedings of the House of Assembly on the said petition.

On motion, by order, the bill to increase the number of Justices of the Peace, &c., was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, A. M., May 7th, 1778.

The Council met. Present all the members, except Mr. Jones.

Mr. Hyatt now reported that he had delivered to the House of Assembly the several papers given in charge to him according to the order of yesterday.

The report of the committee appointed to draw up an answer to the message of the House of Assembly of the 23d of April, was, by order, read a second time, and several amendments were proposed and agreed to. The said answer is as follows, viz :

Gentlemen :

The Council have considered your message in answer to theirs of the 18th April last, respecting their amendments to the resolves of your House relative to the administration of justice, &c., and cannot help expressing their surprise at your persisting to call upon the Council to join in a general charge of guilt upon officers of justice, holding commissions for different terms during good behaviour, without knowing the particular persons alluded to therein, or they, or any of them, called upon or heard as to the matters alleged. This conduct we hold to be incompatible with the station we are in as the Supreme Court of Judicature with respect to the trial of offenders against the State, and we do conceive it the indispensable duty of Courts and Judges to condemn none unheard. We apprehend it is immaterial whether those facts be well attested or not. In the present stage of the business it is sufficient that they are alleged by the Assembly. This is a foundation for an inquiry. The persons charged are, by the Constitution and tenure of their offices, entitled to a hearing before conviction. The exercise of this power belongs to the General Assembly, and not to the President, therefore highly improper to be pointed out in an address to the President, as you propose in your message, until some hearing thereon, agreeable to the principles of our Constitution.

It is also improper for the Council to deny the facts mentioned in your second resolve, for their truth or falsehood ought regularly to be inquired into before the persons accused, if they

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ned, to appear. The House of Assem-
he officers before the Council, or resolve
o answer the charges against them; it
judged by the Council to make them-
uestion by a denial of the facts. It is
ointed out a mode in our message, now
hich we beg leave to refer you.

a total rejection of the second resolve,
are pointed out, would make the reso-
ly grievance existing is the appointment
upreme Court in one county, and that
rt has been duly administered. Never-
Assembly conceive it will receive such
will have no objection to the total leav-
ve and the preceding preamble, which,
essary to precede the resolution respect-
preme Court.

an amendment to your third resolve,
the reason therein mentioned does not
e Supreme Court in the respective coun-
nd usually have, all kinds of remedial
culated for removing the determinations
that the want of a Judge resident for
pear so proper for the foundation of the
efore the Council cannot, for a reason
ot exist, agree to request the Justices of
reside in one county to resign their
eason which at present does exist, they
request, and it must be a matter of small
le House whether our concurrence with
me cause or motive or no, as the same

at this time agreed to your proposition
nce on the subject matter of the second
latter ourselves that your House, on a
nendments and the principles on which
be inclined to adopt them.

egoing answer be transcribed and sent
se of Assembly.

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Mr. Hyatt, being returned, reported the delivery of the
according to order.

On motion, by order, the bill to increase the number of
tices, &c., was read a second time, and an amendment was
posed and agreed to.

Ordered, That the same be transcribed and sent by Mr. H
together with the said bill, to the House of Assembly.

Mr. Hyatt reported the delivery thereof according to orde

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., May 8th, 17

The Council met. Present the same members as on yeste

Mr. Derrickson, a member from the House of Assembly
tending, was admitted and delivered to the Chair two mes
from the House of Assembly to the Council, which were
and are as follows, viz :

"*Gentlemen :*

"This House have received the answer of the Council
"message from this House respecting the amendments to s
"resolutions of this House, of the 9th of April last, for th
"ministration of justice, and have acceded to the same an
"ments."

"*Gentlemen :*

"The House of Assembly have taken into their consi
"tion the Militia bill and the second paper of amendments,
"the message accompanying the same, and have disagreed
"7th amendment proposed in the said second paper, and
"continue to adhere to their resolution of rejecting divers
"amendments proposed by the Council in the first paper,

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"but for the dispatch of business the House of Assembly pro-"pose to your honorable House the appointment of committees "to confer on the subject matter of those amendments."

The same member also returned to the Chair the resolution of the Council for the establishing of guards, &c., concurred in by the House of Assembly, who proposed an additional resolve thereto, which was read and concurred in, and is as follows, viz:

"*Resolved*, That his Excellency, the President, be empowered "and required to draw out of the Loan Offices of this State, or "any of them, such sum or sums of money as he may deem "necessary for the carrying into execution the aforesaid resolu-"tion for raising the said three companies of guards, and that "this House will devise ways and means for replacing the same."

Ordered, That Mr. Hyatt return the same to the House of Assembly, concurred in by the Council.

Mr. Hyatt, being returned, reported that he had delivered the same according to order.

A message from the President, inclosing a resolution of Congress recommending the passage of a law offering pardon to such of the inhabitants or subjects of the State as have levied war against any of the States, or adhered to, aided or abetted the enemy, and shall surrender themselves by a limited time, was delivered at the table.

On motion, by order, the foregoing message and resolution were severally read the first time. The said message is in these words, viz:

"*Gentlemen of the Legislative Council:*

"I just received a packet from the President of Congress, "inclosing a resolution of that honorable body recommending to "the several States the enacting laws, &c., for granting pardons, "&c. I have sent your honors, with this message, a copy of the "above-mentioned resolution for your consideration.

"CÆSAR RODNEY."

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, A. M., May 9th, 17

The Council met. Present the same members as on yeste

Mr. Derrickson, a member from the House of Assembl tending, was admitted and returned to the Chair the Militia with the several amendments of each House to the said bill also delivered the bill to increase the number of Justices, signed by the Speaker of the House of Assembly.

The message from the House of Assembly, respecting th pointment of committees to confer on the subject matter c amendments to the Militia bill, was, by order, read a second and thereupon the following answer to the said message drawn up at the table, viz :

Gentlemen :

The Council have taken into consideration your messa yesterday, and would gladly embrace every method calcu for the dispatch of the public business, particularly the bi establishing a Militia, and have no other objection to th pointment of a committee of conference as to the disp amendments proposed to that bill than the declaration of House, in their message proposing such a conference, that still continue to adhere to your resolution of rejecting amendments. The Council apprehend the design of su conference is to hear the reasons for and against the poin dispute between the two Houses, and have the opinion o select part of them thereon reported. If your honorable H consider the points open for discussion, and that your con are not absolutely bound to reject every of those amendr proposed, we are ready and willing to have them discussed reported upon by such a committee ; and that no delay ma the Council have named Messrs. Vandyke and Bassett the ferees on this occasion, on the supposition that the committ be appointed by you will be at liberty, as aforesaid.

Resolved, That Mr. Vandyke wait on the House of Asse with the foregoing answer and inform them of the said app ment.

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rom the House of Assembly, attending,
ed to the Chair the foregoing answer,
se of Assembly, and the following ap-
viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., May 9th, 1778.

in; and Messrs. Patterson, Bryan, and
d, on the part of this House, conferees
aid, with directions to proceed in the
as soon as may be."

delivered to the Chair certain resolu-
ssembly empowering the President to
unds, on the credit of the State, and
rge of the accounts due to the Militia
a resolution of the House of Assembly
write to the signers of the last emission
lso the resolutions of that House for the
es to adjust the Loan Office accounts;
of that House for the appointment of
to be one of the committee for stating
es, &c.

the several foregoing resolutions were
time.

he resolution of Congress, recommend-
offering pardon to such of the inhab-
against any of the States, &c., was read
red to Messrs. Clowes, Vandyke, and
ring in a bill for that purpose.

morning, 10 o'clock.

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MONDAY, May 11th, 1778.

The Council met. Present all the members, except Messrs. Clowes, Conwell, and Jones.

The committee appointed to confer with the committee of the House of Assembly on the subject matter of the amendments to the Militia bill, now delivered their report at the table, which was read and agreed to, and thereupon the following message, founded on the said report, was drawn up at the table, viz:

Gentlemen:

Upon the report of the conferees on the subject of the several amendments to the Militia bill in dispute between the two Houses, the Council have agreed to the report, as follows, to wit:

That the further amendment, as proposed by the House of Assembly in their second paper of amendments, be adopted after striking out the word [white], as mentioned therein, and added to the 31st amendment, proposed by the Council in their first paper. That the 81st amendment of the Council in their first paper shall be a part of the bill upon striking out the words [except in extraordinary cases, of which the Court shall judge]. That the 82d amendment of the Council, mentioned in their first paper, shall stand and be inserted in the bill; and that the 7th amendment of the Council, in their second paper, be receded from. So that, if your House shall approve of the report of the conferees as aforesaid, the bill may be immediately engrossed and enacted into a law.

Ordered, That the same be transcribed and sent by Mr. Hyatt to the House of Assembly, together with the Militia bill and its several amendments.

Adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, A. M., May 12th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Hyatt now reported the delivery of the several papers committed to his charge according to the order of yesterday.

On motion, by order, the bill to enable Charles Pope, his heirs, &c., to erect a bridge over Duck Creek, was read the first time.

By special order the same was read a second time, and, for the better information of the Council, thereupon

Resolved, That a committee of two be appointed to go to the place where the said bridge is proposed to be erected and view and report their opinion thereon.

Messrs. Collins and Hyatt are appointed, on the part of the Council, for this purpose, and thereupon a message from the Council to the House of Assembly, proposing the appointment of a like number of the members of that House to join the said committee of the Council, was drawn up at the table, and follows in these words, viz:

Gentlemen:

The Council, upon the best information they have been able to obtain respecting the propriety of giving privilege to Lieutenant Colonel Charles Pope to erect a bridge over Duck Creek at the distance of twenty feet above the public wharf there, as proposed in the bill now before us, have reason to apprehend that the public as well as private interest may be considerably injured by placing the said intended bridge so near the same wharf, and below other wharves, storehouses and landing places heretofore much used for lumber of all kinds, and from the nature and situation of the ground along the creek below the public wharf always must be useful and necessary. The Council have also reason to believe that liberty of erecting a bridge across Duck Creek aforesaid above all the wharves, storehouses and landing places not more than ten or twelve rods distance higher up the creek, might be granted to Colonel Pope without apparent injury to the public

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or private interest, and nearly as convenient for him; bu
neither the petitioner for the bridge or any of those again
save one, and him on this day, have attended this Hous
enable them to determine satisfactorily thereon, the Counci
desirous of the best information, and therefore propose to
honorable House the appointment of two or more of the n
bers of each House to proceed to the place where, and view
report their opinion thereon. This may be done in the co
of an evening or morning, with but little trouble or loss of t
and for this purpose the Council have named Messrs. Hyatt
Collins on their part.

Ordered, That the same be transcribed and sent by Mr. Ba
to the House of Assembly.

Mr. Bassett, being returned, reported the delivery thereo
cording to order.

A member from the House of Assembly, attending, was ac
ted and delivered to the Chair the bill to increase the numb
the Justices of the Peace, &c., signed by the Speaker of the H
of Assembly.

Ordered, That the same be signed by the Speaker o
Council.

Which was done accordingly.

On motion,

Resolved, That the President or Commander-in-Chief affi
Great Seal of this State to the bill entitled "An act to increas
number of the Justices of the Peace in each of the Counti
this State."

On motion, by order,

The resolution of the House of Assembly, directing the Sp
to write to the signers of the last emission of paper currency
read a second time and concurred in, and follows in these w
viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., May 1st, 17

"WHEREAS it appears to this House that some of the m
"emitted by an act of General Assembly of this State, en

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d emitting fifteen thousand pounds in
ite, to be let out on loan, and for strik-
n thousand pounds in such bills for the
providing a fund for sinking the same,'
several of the signers of the said cur-
New Castle; therefore

eaker be desired to write to the several
sion of paper currency within the said
requiring them to deliver such of the
their hands of the said emission to the
ice of the said county, agreeable to the
nake report of the sums in their hands
dent of this State forthwith."

House of Assembly for borrowing the
n the credit of the State, was read a
l in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, April 20th, 1778.

he consideration of the late Vice-Pre-
13th of March last, and thereupon

um of seven thousand five hundred
on the credit of this State, and that
icates to the person or persons lending

devise ways and means for the repay-
the lender or lenders thereof, with in-
per cent. per annum until the same be

seven thousand five hundred dollars be
Thomas Rodney, Esquire, for the pur-
purchase of clothing for the Delaware
e said Thomas Rodney be accountable
eof to the General Assembly, or to the
lent of the State for the time being in
y, in order that the State may have the
by Congress."

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Ordered, That Mr. Bassett wait on the House of Assembl
the two last mentioned resolutions concurred in respectiv
the Council, and also the bill for increasing the number
Justices of the Peace in each county of this State, signed
Speaker of the Council, and the resolution for affixing the
Seal to the same.

Mr. Bassett reported that he had waited on the House
sembly and delivered the said papers according to order.

Mr. Molleston, a member of the House of Assembly, a
ing, was admitted and delivered to the Chair a "Bill for
one hundred and twenty thousand dollars for the service
present year, by a general tax;" and also delivered the
tions of the House of Assembly for the appointment of a
Treasurer, a Clothier General, and a Commissary Gene
Prisoners for this State, and then withdrew.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., May 13th, 1

The Council met. Present all the members except M
Clowes and Jones.

On motion, by order,

The resolutions of the House of Assembly for the appoi
of a State Treasurer, a Clothier General, and a Commissary
eral of Prisoners for this State, were read the first time.

On motion, by order,

The bill for raising 120,000 dollars for the service of the p
year, by a general tax, was read the first time.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

The committee appointed to prepare and bring in a bill offering pardon to such of the inhabitants or subjects of the State as have levied war against any of the States, or adhered to, aided or abetted the enemy, and shall surrender themselves by a limited time, now delivered one at the table, which, by order, was read the first time.

The resolutions of the House of Assembly, empowering the President to borrow five thousand pounds, on the credit of the State, and apply the same in discharge of the accounts due to the Militia heretofore called out, were, by order, read a second time and concurred in, and are as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, A. M., May 9th, 1778.

"On motion,

"*Resolved*, That the President or Commander-in-Chief of this "State be authorized and empowered to borrow, on the credit of "the State, the sum of five thousand pounds, and that he sign "certificates to the person or persons who may lend the same, "and this House will devise ways and means for the repayment "to the lender or lenders thereof, with interest at the rate of six "per cent. per annum until the same shall be repaid.

"*Resolved also*, That the sum so to be borrowed be applied "by the President or Commander-in-Chief, in such manner as he "shall think best, in discharge of the accounts due to the Militia "heretofore called out."

The Council then resumed the consideration of the bill for the further security of the Government, and after some time spent therein, the same was postponed until to-morrow morning.

Adjourned till to-morrow morning, 9 o'clock.

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THURSDAY, A. M., May 14th, 17

The Council met. Present the same members as on yest

The Council now proceeded in the consideration of the b the further security of the Government, and thereupon a s paper of amendments to the same was proposed, agreed t ordered to be transcribed and sent to the House of Assemb their consideration and concurrence, with the following me viz :

Gentlemen :

The Council now send you the bill for the further secur the Government, with a second paper of amendments. B report of the committee of conferees it appears that it was a between them that the words in dispute in the sixth amend proposed by the House, should be struck out of the bill an words [and Constitution], mentioned in the 7th amendme tained, and the words [the, as now established], struck out, the Council have agreed to. You will perceive by the s paper of amendments that the Council have proposed an a ment to their 27th amendment, which, they hope, will be factory and remove all objections ; but they beg leave to r you that the 1st of June, the time limited for completing th ministration of the test in the first instance, will be rath short, either for the body of the people of the State to kno contents of the law, or the ministerial officers therein to pe their duty under it.

Ordered, That Mr. Hyatt return to the House of Ass the resolution empowering the President to borrow five tho pounds, on the credit of the State, and apply the same i charge of the accounts due to the Militia heretofore calle with the concurrence of the Council thereto ; and also the b the further security of the Government, with its several a ments, and the foregoing message.

Mr. Hyatt, being returned, reported the delivery of the said several papers, according to order.

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On motion, by order,

The bill for raising 120,000 dollars for the service of the present year, by a general tax, was read a second time.

The same, by order, was read a third time by paragraphs, and will pass.

Ordered, That the said bill, thus agreed to, be returned by Mr. Conwell to the House of Assembly, with the following verbal message, viz:

Gentlemen:

The Council do agree to pass the bill for raising 120,000 dollars in the Delaware State for the service of the year 1778, by a general tax, into a law as soon as the blank therein for the name of the State Treasurer shall be determined upon a ballot by the two Houses, which the Council are ready to go into when it may be convenient to the House of Assembly.

Mr. Craghead, a member of the House of Assembly, attending, was admitted and delivered to the Chair "The act for establishing a Militia within this State;" and also the "Rules and articles for the better regulating of the Militia within the same," respectively signed by the Speaker of the House of Assembly.

The resolutions of the House of Assembly respecting the appointment of a State Treasurer, a Clothier General, and a Commissary General of Prisoners, were, by order, read the second time and rejected in part.

The resolution of the House of Assembly respecting the appointment of John Dickinson, Esq'r, to be one of the committee for stating an account of expenditures, &c., was, by order, read a second time, and an amendment was proposed and agreed to, and ordered to be transcribed.

The resolutions of the House of Assembly for the appointment of committees for adjusting the Loan Office Accounts, were, by order, read a second time and rejected; whereupon a message was drawn up at the table, read and agreed to, and is in these words, viz:

Gentlemen:

The Council, on considering the resolutions of your House, of

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the 12th instant, sent for our concurrence, are of opinion that, as to the first, it is unnecessary, as such an officer as State Treasurer will be expressly appointed by the tax bill, now before us; therefore, as to that officer, all that is wanting is to appoint the time of balloting for him. As to the second resolution, for the appointment of a Clothier General for the Delaware Regiment, we apprehend this was done by the appointment of Thomas Rodney, Esquire, in the resolutions, framed in your House and concurred in here, for the borrowing seven thousand five hundred dollars, on the credit of the State, and applying it for the purchase of clothing for that regiment, to which we beg leave to refer you. As to the third resolution, for the appointment of a Commissary of Prisoners, we agree to the same, and that such officer be elected by joint ballot.

The Council have been desirous of consulting Mr. Dickinson as to his willingness to undertake the business of a committeeman of the general accounts between this State and the United States, but have not had the opportunity since the coming of your resolution for his appointment to this House; but as that gentleman complains much of his want of health, we are induced to think he will decline the appointment, or that his indisposition will delay the immediate going on with this business, therefore we have proposed another person to be inserted in his stead, to wit: Mr. Daniel Robertson, one conversant in accounts, and residing in the Town of Dover.

The Council have returned the resolve for the appointment of committees for settling the accounts of the General Loan Office, disagreed to in the form it now stands, as each committee is to consist of three persons only, and two of these three are to be named by the House of Assembly, and the other by the Council, by an express provision in the late act for the emitting of an additional sum of twenty-five thousand pounds in Bills of Credit in this State, which the Council apprehend was not attended to by your honorable House.

Ordered, That the several foregoing resolutions, together with the transcribed amendment and the above message relative thereto, be also sent by Mr. Conwell to the House of Assembly.

Mr. Conwell, being returned, reported the delivery of the several papers committed to his charge, according to order.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

the bill for granting a free pardon to
or subjects of the State as have levied
tates, was read a second time.

third time by paragraphs, and some
d to and ordered to be transcribed and
ne House of Assembly for their concur-

ow morning, 9 o'clock.

FRIDAY, A. M., May 15th, 1778.

sent the same members as on yesterday.

rted that he had delivered the bill for
nd the transcribed amendment thereto,
y, according to the order of yesterday.

k, P. M.

EODEM DIE, P. M.

habitants of this State from dealing and
hereof with supplies, and for other pur-
, was laid on the table, and, by order,

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By special order the same was a second time read and ag to.

The bill for establishing a Militia within this State, being grossed, was read and compared, and ordered to be signe the Speaker, which was accordingly done.

The rules and articles for the better regulating of the M whilst under arms, being engrossed, was read and compared ordered to be signed by the Speaker, which was accord done.

Ordered, That Mr. Baning deliver the bill to prevent th habitants of this State from dealing and furnishing the ene thereof with supplies, &c., to the House of Assembly for consideration and concurrence, and also return the two last tioned bills, respectively signed by the Speaker of the Coun

Mr. Baning reported the delivery of these several paper cording to order.

On motion,

Ordered, That the private printed copy of the Articles of federation and Union between the States of America, in the session of the Speaker, be now read and taken into consider as there is little prospect of obtaining a certified copy of the from Congress during the present sitting of the General As bly.

And the same was accordingly read, and the further consi tion postponed till to-morrow.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, A. M., May 16th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Davis, a member from the House of Assembly, attending, was admitted and delivered to the Speaker a resolution of the House of Assembly for affixing the Great Seal to the Militia bill, and the rules and articles for the better regulating of the Militia, &c., with the following verbal message, viz:

"*Gentlemen:*

"The House of Assembly, being desirous to complete, as "speedily as possible, the Militia bill and the bill for raising one "hundred and twenty thousand dollars, &c., propose to the "Council that both Houses meet in the House of Assembly to-"morrow morning at 10 o'clock, to put in nomination persons "to be balloted for as lieutenants and sub-lieutenants for the "respective counties, and also a State Treasurer."

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the Militia bill, &c., was read and concurred in, and is as follows, viz:

"On motion,

"*Resolved*, That the President or Commander-in-Chief affix "the Great Seal of this State to the following bills, to wit:

"1. An act for establishing a Militia within this State," and

"2. Rules and articles for the better regulating of the Militia whilst under arms or embodied."

Mr. Hyatt is ordered to return the foregoing resolutions, with the concurrence of the Council thereto, and inform the House of Assembly that the Council have agreed to their proposition to meet them in the House of Assembly forthwith to put in nomination persons to be balloted for as lieutenants and sub-lieutenants for the respective counties.

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Mr. Hyatt, being returned, reported his delivery of the and message committed to him according to order.

Mr. Patterson, a member of the House of Assembly, a ing, was admitted and informed the Speaker that the of Assembly were ready to receive the Council and proc the nomination aforesaid.

The Council then proceeded to the Assembly Room, and met the House of Assembly, when several persons were nomination for the offices of lieutenants and sub-lieutenan the respective counties, and their names taken down for th sideration of both Houses.

On motion,

Resolved, That the General Assembly now separate, and again at 3 o'clock this afternoon, in the Council Room, to for the said officers out of the persons now put in nominati

Then the House of Assembly withdrew.*

Mr. Black, a member of the House of Assembly, atte was admitted and delivered to the Chair the bill for the f security of the Government, signed by the Speaker of the of Assembly.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P.

The Council met.

Ordered, That Mr. Baning wait on the House of Assemb inform them that the Council are now ready to receive th ballot for lieutenants and sub-lieutenants.

Mr. Baning, being returned, reported that he had de the aforesaid message according to order.

* So recorded.

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The House of Assembly, agreeable to the order of the day, met the Council in the Council Room, and having prepared tickets for the election of lieutenants and sub-lieutenants for the several Counties of this State, under the Militia law, and having put the same into a ballot-box, the Speakers of the two Houses, in the presence of the members, examined the box, and it appeared as follows: That there was a majority of votes in favor of George Evans, Esq., for Lieutenant for the County of New Castle, and a unanimous vote in favor of Henry Darby and Samuel Smith, Gentlemen, for sub-Lieutenants for the said County of New Castle; and that there was a unanimous vote in favor of Samuel West, Esquire, for Lieutenant for the County of Kent, and a majority of votes in favor of Francis Manny and Benj. Coombs, Gentlemen, for sub-Lieutenants for the said County of Kent; and that there was a majority of votes in favor of Henry Neill, Gentleman, for Lieutenant for the County of Sussex, and a majority of votes in favor of Nathaniel Waples and Charles Moore, Gentlemen, for sub-Lieutenants for the said County of Sussex.

Then the House of Assembly withdrew.

On motion,

Resolved, That the said George Evans be recommended to his Excellency, the President, to be commissioned lieutenant, and the said Henry Darby and Samuel Smith to be commissioned sub-lieutenants, under the Militia law, for the County of New Castle; and that the said Samuel West be recommended to the President to be commissioned lieutenant, and the said Francis Manny and Benjamin Coombs to be commissioned sub-lieutenants under the said law for the County of Kent; and that the said Henry Neill be recommended to the President to be commissioned lieutenant, and the said Nathaniel Waples and Charles Moore to be commissioned sub-lieutenants under the said law for the County of Sussex.

Ordered, That Mr. Bassett deliver the foregoing resolution to the House of Assembly for their consideration and concurrence.

Mr. Bassett, being returned, reported the delivery of the same according to order.

Mr. Davis, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill for raising one

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hundred and twenty thousand dollars in the Delaware State for the year 1778, by a general tax, engrossed and signed by the Speaker of the House of Assembly.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., May 18th, 1778.

The Council met. Present all the members except Messrs. Jones, Clowes, and Vandyke.

Mr. Adams, a member of the House of Assembly, attending, was admitted and returned to the Chair the bill to prevent the inhabitants of this State from dealing and furnishing the enemies thereof with supplies, &c., with three amendments proposed thereto by the House of Assembly, which were read and severally disagreed to; and thereupon a message from the Council to the House of Assembly, showing the reasons of their disagreement to the said amendments, was drawn up at the table, read and approved of, and is as follows, viz:

Gentlemen:

The Council having taken into consideration the three several amendments proposed by your honorable House to the bill to prevent dealing and furnishing the enemy with supplies, &c., have unanimously disagreed to them for the following reasons, to wit:

As to the first, for that no Prince or State, other than the French King, hath, as yet, to our knowledge, publicly avowed the independence of the United States, or entered into any treaty of commerce or alliance with them, and consequently ought not to be admitted to the same freedom of trade with our enemies in our ports as is especially stipulated in favor of the subjects of the French King by the 25th and 26th articles of the treaty of commerce lately entered into between the said King and the United States; and we apprehend that by the said first amendment all

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neutral powers, so far as respects this State, will be considered as privileged to carry supplies, even to the port of Philadelphia while in the possession of the enemy, which we conceive ought not to be.

As to the second amendment, for that, by the resolve of Congress of the 23d of March, 1776, declaring what captures shall be adjudged prizes, express provision is made for the payment of seamen's wages, and the reason which, we presume, and have reason to believe, induced Congress to do so, operates with us to reject your said amendment, to wit: That seamen are a set of people extremely necessary and wanting in the service of the United States; that they are seldom much attached to any service, and that we ought not to consider those sailing in merchant vessels as enemies or parties in this dispute, but by paying their wages, though their ships are captured, we shall bias them to our cause and service, and make them more indifferent as to the fate of the vessels they may be in; besides, by this exclusion, as proposed, the seamen of wrecked vessels would be put upon a different footing from seamen of captured vessels, who will be entitled to their wages under the resolve of Congress.

As to the third amendment, for that the words therein proposed to be inserted in the bill are merely relative, and have not a proper subject of reference, as no special mode for division of the moiety allotted to the first possessor, or manner in which the prize should be secured, is pointed out, other than in the sentence where the amendment is proposed to be placed.

Ordered, That the said message be transcribed and sent by Mr. Bassett to the House of Assembly.

Mr. Bassett, being returned, reported the delivery thereof according to order.

Mr. Lockwood, a member of the House of Assembly, attending, was admitted and returned to the Chair the resolution of the Council empowering the President to commission lieutenants and sub-lieutenants under the Militia law, with the concurrence of the House of Assembly thereto.

Ordered, That the bill for raising 120,000 dollars within this State for the service of the present year, by a general tax, and also the bill for the further security of the Government, be now

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respectively signed by the Speaker of the Council, which was accordingly done.

On motion, by order,

The account of Thomas Wilds, Goaler of Kent County, against the Delaware State, with the petition and proceedings of the House of Assembly thereon, were read the first time and ordered to lie over for consideration until to-morrow.

Adjourned to 10 o'clock to-morrow.

TUESDAY, A. M., May 19th, 1778.

The Council met. Present the same members as on yesterday.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the following bills, to wit:

1. "An act for the further security of the Government," and

2. "An act for raising 120,000 dollars in the Delaware State for the service of the year 1778, by a general tax."

Ordered, That Mr. Baning return the foregoing bills, signed by the Speaker of the Council, to the House of Assembly, and also deliver the foregoing resolution for affixing the Great Seal thereto, for their concurrence, and the following message, viz:

Gentlemen:

We send you the bill for the further security of the Government, and also the bill for raising 120,000 dollars in the present year, by a general tax, signed by the Speaker of the Council, and recommend that some speedy method be adopted for furnishing the respective counties with copies of these bills when sealed and enacted into laws. Of the first of these not less than 54 copies will be wanted for the use of the Justices of the Peace in the several counties, and that forthwith, that they may be en-

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abled to perform the duties required of them therein, and avoid the heavy penalty they are liable to for an omission of any of those duties, and there is but about six weeks allowed for the completing this business. As to the second act, three copies should be immediately made and sent to the Clerk of the Peace of each County, with directions to notify the Justices of the Peace that the special court ordered therein may be held on or before the tenth day of June next, otherwise the law will loose its operation.

Mr. Baning, being returned, reported the delivery of the several papers aforesaid according to order.

The Council now took into consideration the account and petition of Thomas Wild and the report of the committee of the House of Assembly thereon, and agreed to the said report, which follows in these words, to wit:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., May 6th, 1778.

"On motion,

"The House resolved itself into a committee of the whole to "take into consideration the petition and account of Thomas "Wild, Goaler of Kent County, and after some time spent "therein the Speaker resumed the chair and the chairman re- "ported from the committee that they had allowed to the said "Thomas Wild the sum of ninety-six pounds nineteen shillings "for the following services, viz:

"For subsisting five persons of the United States, .	£74	9	0
"For subsisting sundry deserters from the army of "the said States, ...	22	10	0
	"£96	19	0

"Which said report was agreed to by the House."

Thereupon

Resolved, That it be recommended to his Excellency, the President, to transmit a copy of the said Thomas Wild's account, for subsisting the British prisoners aforesaid, to Congress, or the Commissary General of Prisoners, as he may think fit, that this

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State may be repaid the same by Congress, and for this purpose that the original account be lodged with the President.

Resolved also, That the original account of the said Thomas Wild, for subsisting deserters as aforesaid, be lodged with the President, and that he be required to transmit a copy thereof to the proper officers of the respective regiments to which such deserters belonged, that stoppages may be made out of their pay respectively, and this State enabled to charge the same to the United States.

Ordered, That Mr. Collins wait on the House of Assembly with the above resolutions for their concurrence, and return the account and petition of the said Thomas Wild and the report of the committee of the House of Assembly agreed to by the Council.

The committee appointed by the Council to view the place where the bridge mentioned in the bill before the House, upon the petition of Charles Pope, is proposed to be built, now reported that they had proceeded to the said place, and are of opinion that a bridge erected over Duck Creek there will be of public as well as private utility, if a road shall be opened from the north end thereof to the road leading from Salisbury town to the Thoroughfare, and that this ought to be done by and at the expense of the petitioner, as soon as the said bridge shall be erected; that the nearer the said bridge shall be placed to the upper side of the public wharf there, it will do the least injury to the owner of the land on the south side of the creek, and best answer the purpose of the petitioner; but that the same ought to be a drawbridge, to preserve an useful navigation above the place where, &c.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

Mr. Molleston, a member of the House of Assembly, attending, was admitted and returned the bill to prevent dealing and furnishing the enemy with supplies, &c., and delivered the following message, to wit:

"A MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE COUNCIL.

"*Gentlemen:*

"The House of Assembly have received your message of yesterday, relative to the three several amendments proposed by this House to the bill to prevent dealing and furnishing the 'enemy' with supplies, &c., and disagreed to by the Council, and, upon a reconsideration of the same, have receded therefrom.

"Signed by order of the House,

"SAM'L WEST, *Speaker.*

"Dover, May 19th, 1778."

Ordered, That the said bill be engrossed.

Mr. Molleston also delivered to the Chair a bill for regulating the fees of divers civil officers, &c., which, by order, was read the first time.

The Council now proceeded in the consideration of the bill to enable Charles Pope, his heirs, &c., and agreed to an amendment thereto.

Ordered, That the same be transcribed and sent, with the said bill, to the House of Assembly by Mr. Collins.

Adjourned to 10 o'clock to-morrow.

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WEDNESDAY, A. M., May 20th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Collins now reported the delivery of the several papers committed to his charge, accordingto the order of yesterday.

The Speaker laid before the Council the resignation of William Killen, Esq., Chief Justice of the Supreme Court of this State, by a writing under his hand and seal, and also a letter from John Cook, Esquire, declaring his resignation as third Justice of the same Court.

Which, by order, were severally read; and thereupon the following address from the Speakers of the two Houses to the General Assembly was laid on the table, viz:

To the Honorable General Assembly of the Delaware State:

GENTLEMEN—In pursuance of the resolves of the General Assembly respecting the appointment of Justices of the Supreme Court in each County of the State, we, by a letter of the 11th instant, addressed to the Honorable William Killen and John Cook, two of the Justices of said Court residing in Kent County, requested of those gentlemen a resignaton of their commissions, that a nomination of persons to fill that Court, residing in each County of the State, might be made for the more speedy execution of the law, necessary under the present circumstances of the State, and at the same time transmitted copies of your said resolves. In answer to which we have received, through the hands of his Excellency, the President, the resignation of the Honorable William Killen, Esquire, Chief Justice of the said Court, by a writing under hand and seal, and a letter from the Honorable John Cook, Esquire, declaring his resignation as third Justice of the same Court, both of which papers we lay before you for your further order therein.

GEO. REED.
20 May, 1778. SAM'L WEST, *Speaker.*

Ordered, That Mr. Baning deliver the foregoing message and papers to the House of Assembly for their perusal.

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ling and furnishing the enemy with sup-
ed, was read and compared and ordered
ker ; which was accordingly done.

resident and Commander-in-Chief affix
ate to the bill entitled "An act to pre-
is State from dealing and furnishing the
for other purposes therein mentioned."

ning deliver the foregoing bill and reso-
ssembly for their concurrence.

urned, reported the delivery of the sev-
him according to order.

ber of the House of Assembly, attend-
esented to the Chair a message from the
e Council.

he foregoing message was read, and fol-

accepted of the resignation of the Hon-
nd John Cook, Esq'rs, of their commis-
Supreme Court of this State, propose to
Houses meet this forenoon, in the Coun-
n nomination persons to be balloted for
Court, in the room of the said William
Esquires, and also of John Evans, Esq.,
e of the same Court, who hath declined
pointment.

he House,

"SAM'L WEST, *Speaker.*

3."

nto consideration the proposition made
ly of putting into nomination three per-
ustices of the Supreme Court within the
illiam Killen and John Cook, Esquires,

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who have resigned, and John Evans, Esquire, who hath declined accepting under his former appointment, do agree to the same; and

Resolved, That persons qualified to be Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, in the room of Thomas Tilton, who hath declined accepting the same office, be put in nomination at the same time, and afterwards balloted for.

Ordered, That Mr. Baning wait on the House of Assembly with the foregoing resolution of the Council, for their concurrence, and inform them that the Council will be ready to receive them forthwith.

Mr. Baning, being returned, reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Armstrong, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following verbal message, viz:

"*Gentlemen:*

"As your honorable House have concurred in a resolution of "the 12th instant, for the appointment of a Commissary General "of Prisoners, the Assembly propose that nomination of persons "to be balloted for to fill that office be made at the same time "that the General Assembly proceed in the nomination of per- "sons for Justices of the Supreme Court.

"This House do not consider the appointment of a Clothier "General to be supplied by the appointment of Thomas Rodney,

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"Esquire, in the resolution of both Houses of the 20th of April "last, for the borrowing seven thousand five hundred dollars "on the credit of the State, &c.; but are of opinion that the "appointment of Mr. Rodney is only temporary, and for the "special service of completing the clothing of the Delaware "Regiment at present. If the Council should view this matter "in the same light the House of Assembly does, and are of "opinion that the appointment of a Clothier General is neces- "sary, this House propose likewise to put in nomination, at the "same time, persons to be balloted for to fill that office."

Whereupon, in answer thereto, the following message was prepared and sent to the House of Assembly by Mr. Conwell:

Gentlemen:

The Council can put no other construction on the resolution of the 20th ultimo, mentioned in your verbal message of this afternoon, than is expressed therein, to wit: "That the said sum of seven thousand five hundred dollars be put into the hands of Thomas Rodney, Esquire, for the purpose of completing the purchase of clothing for the Delaware Regiment;" and however temporary this appointment may be considered to be, yet the business is not begun, and we apprehend that the appointment of a Clothier General, whose duty must be the same, will supercede this act, so recently done, which would make our proceedings rather exceptionable, and this is what we wish to avoid, for the Council think with the Assembly that such an officer is necessary, and have no other objection than what is above expressed.

Mr. Conwell, being returned, reported the delivery of the above message according to order.

The Doorkeeper informed the Chair that the House of Assembly were waiting to be admitted, and they were admitted accordingly.

The Council and House of Assembly being met in the Council Room to put in nomination three persons to be balloted for as Justices of the Supreme Court, in the stead of William Killen, John Cook, and John Evans, Esquires; a Chief Justice of the Court of Common Pleas and Orphans' Court, in the room of Thomas Tilton, and also a Commissary General of Prisoners for the State, agreeable to the order of the day,

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Ordered, That Messrs. Ridgely, Bryan, Kollock, Bassett, Hyatt be a committee to wait on his Excellency, the Presi and acquaint him that the General Assembly are now met in Council Room for the purpose of putting in nomination per who may be balloted for as Justices of the Supreme Court of State; a Chief Justice of the Court of Common Pleas and phans' Court, and a Commissary General of Prisoners, and quest his attendance at the nomination, if he think proper.

The committee, being returned, reported that his Excelle the President, said that he would wait on the General Asse immediately.

The President attended in the General Assembly; then members proceeded to put in nomination divers persons t the said offices, whose names were taken down for the consi tion of the members of both Houses. The President then drew.

On motion,

Resolved, That the General Assembly now separate and at 9 o'clock to-morrow morning, in the Council Room, to b for the said officers out of the persons now put in nominatio

Then the House of Assembly withdrew.

The Council adjourned to 9 o'clock to-morrow morning.

THURSDAY, A. M., May 21st, 17

The Council met, and being informed that, by the going of divers members of the House of Assembly, a sufficient ber were not in town to form a House, and no prospect of attendance before Monday next, the Speaker of the Council plied for leave of absence for ten days, and it is granted to Then the Council adjourned to 10 o'clock on Tuesday mo next.

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TUESDAY, A. M., May 26th, 1778.

A sufficient number to compose a House not attending, the Council adjourned from day to day until Friday, the 29th of the same instant.

FRIDAY, A. M., May 29th, 1778.

The Council met, and being informed that a sufficient number of members of the House of the Assembly were not in town, and that it was uncertain when they might be expected, adjourned till Wednesday, the first day of July next.

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MINUTES OF COUNCIL.

JUNE, 1778.

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ND PROCEEDINGS

OF THE

THE DELAWARE STATE.

) SESSION, JUNE, 1778.

e Council at the Town of Dover, in the pecial order of the President, on Wednes- y of June, Anno Domini 1778, a sufficient ers to form a House not attending, the day to day until Friday, the 19th instant.

FRIDAY, June 19th, 1778.

ers appeared in the Council, viz :

nty—Nicholas Vandyke, Peter Hyatt.

ichard Bassett, John Baning.

John Jones, John Clowes, William Con-

re, Speaker of the Council, not attending, to the choice of a Speaker *pro tempore*, Esquire, was unanimously chosen. The

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Mr. Lewis, a member of the House of Assembly, attendin
was admitted and delivered to the Chair the following verb
message from the House of Assembly to the Council, viz :

"*Gentlemen :*

"The sudden separation of the House of Assembly previou
"to the time appointed by the General Assembly at their la
"sitting for the election of Justices of the Supreme Court,
"Chief Justice of the Court of Common Pleas and Orphan
"Court for the County of Kent, and a Commissary General
"Prisoners, prevented the appointment of those officers ; yet,
"a nomination of persons qualified to fill said offices has bee
"already made, and the public welfare demanding their ap
"pointment speedily, this House propose to meet the honor
"ble Council to-morrow morning at 10 o'clock, in the Counc
"Chamber, to ballot for the said officers."

Whereupon the following verbal message from the Council t
the House of Assembly, in answer to the above, was drawn u
at the table :

Gentlemen :

The Council, taking into consideration the proposition mad
by the House of Assembly, in their verbal message of this day
to meet to-morrow morning at ten o'clock, in the Council Cham
ber, to ballot for Justices of the Supreme Court, a Chief Justic
of the Court of Common Pleas and Orphans' Court in the Cour
ty of Kent, and a Commissary General of Prisoners for the State
do agree to the same.

Ordered, That Mr. Conwell wait on the House of Assembl
with the concurrence of the Council to their proposition aforesaid

Ordered, That Mr. Jones and Mr. Bassett be a committee t
wait on his Excellency, the President, and acquaint him that th
Council are now sitting and are ready to receive any busines
which he may have to lay before them.

On motion, by order,

The bill for regulating the fees of divers civil officers, &c., wa
read the second time and deferred for consideration until to
morrow.

Adjourned to 9 o'clock to-morrow.

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SATURDAY, A. M., June 20th, 1778.

The Council met. All present as on yesterday.

Mr. Conwell now reported that he had waited on the House of Assembly according to the order of yesterday.

The committee appointed to wait on his Excellency, the President, now reported that they had delivered the message committed to them, according to the order of yesterday, when the President was pleased, in answer, to say that he had no particular business to lay before the Council, but strongly recommended to them the finishing of the business which was left undone at their last sitting; and added that if any papers which concerned the public should come to his hands whilst the Council were sitting he would immediately lay them before the Council.

Ordered, That Mr. Baning wait on the House of Assembly and inform them that the Council are now sitting and are ready to receive them for the purpose of balloting for Justices of the Supreme Court, a Chief Justice of the Court of Common Pleas and Orphans' Court in Kent County, and a Commissary General of Prisoners for the State, out of the persons before put in nomination.

Mr. Baning, being returned, reported the delivery of the above message according to order.

The House of Assembly now attended for the purpose of balloting for the said officers, and were admitted.

Ordered, That Messrs. Jones, Clowes, Stout, Bryan, and Hall be a committee to wait on his Excellency, the President, and acquaint him that the General Assembly are now met in the Council Chamber for the purpose of balloting for Justices of the Supreme Court, a Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and a Commissary General of Prisoners for this State, and request his attendance, if he choose to be present, at the balloting.

The committee, being returned, reported that they had waited

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on his Excellency, the President, with the above message, he was pleased to say that he would attend the General Ass immediately.

The President attended in the General Assembly; th President and General Assembly proceeded to the choice said officers severally, by joint ballot, and the box containi ballots being examined by the Speaker of each House, presence of the President and the members thereof, it ap that—

William Killen, Esq., was duly elected Chief Justice Supreme Court for this State;

David Finney, Esq., was duly elected second Justice said Court; and

John Jones, Esq., was duly elected third Justice of th Court;

Thomas Rodney, Esq., was duly elected Chief Justice Court of Common Pleas and Orphans' Court for the Cou Kent; and

George Craghead, Esq., was duly elected Commissary G of Prisoners for this State.

On motion, agreed that the General Assembly now sepa

Then the President and the House of Assembly withdre the Council adjourned to 3 o'clock, P. M.

EODEM DIE, P

The Council met and took into consideration the bill for lating the fees of the civil officers, &c., and after some time therein, thereupon

Resolved, That the said bill be referred to a committee to examine and report thereon on Monday next.

The members chosen: Mr. Jones and Mr. Clowes.

Adjourned to 10 o'clock on Monday next.

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MONDAY, A. M., June 22d, 1778.

The Council met. All present as on Saturday, and also Mr. Hyatt.

The committee to whom was referred the bill for regulating the fees of the civil officers, &c., now delivered in their report at the table, which, by order, was read the first time.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and took into consideration the report of the committee on the bill for regulating the fees, &c., and some amendments being agreed to, the same was deferred for further consideration till to-morrow.

Adjourned to 10 o'clock to-morrow.

TUESDAY, A. M., June 23d, 1778.

The Council met. All present as on yesterday.

The Council now resumed the consideration of the amendments reported to the bill for regulating the fees, &c., by the committee, and after sundry debates, the question being put, whether the allowance of the members of the General Assembly, the Clerks of the two Houses, and the members of the Privy Council, for their attendance, should be a fixed sum, or, whether their expenses should be paid by the public, the Council were equally divided.

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On motion of Mr. Bassett, that the yeas and nays on th question be entered on the minutes, the same were ordered are as follow, to wit :

For the affirmative— Mr. Bassett, Mr. Baning, Mr. Hya

For the negative—Mr. Jones, Mr. Clowes, Mr. Conwell.

And thereupon the Speaker gave the casting vote in the tive.

Mr. Patterson, a member of the House of Assembly, a ing, was admitted and returned to the Chair the bill for pardon, &c., with a paper of amendments proposed there the House of Assembly.

The same member delivered to the Chair a resolution House of Assembly for the appointment of committees fo tling the Loan Office accounts, and also a resolution to ad on Thursday next.

The Council now proceeded in the consideration of the b regulating the fees, &c., and the amendments reported th and after some time spent therein the same was postponed the afternoon for further consideration.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P.

The Council met.

The Council again proceeded in the consideration of th for regulating the fees, &c., and the amendments reported to by the committee, and the said amendments were all ag to, and ordered to be transcribed and sent therewith to the H of Assembly for their concurrence.

Mr. Molleston, a member of the House of Assembly, a ing, was admitted and delivered to the Chair a bill entitled

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act for aiding the discontinuance of the process in the Supreme Court of this State."

On motion, by order, the said bill was read the first time.

By special order the same was read the second time and agreed to by the Council.

Ordered, That Mr. Conwell wait on the House of Assembly with the bill for regulating the fees of divers civil officers, &c., and the amendments proposed thereto by the Council; and also return the bill for aiding the discontinuance of the process in the Supreme Court of this State, agreed to by the Council.

Mr. Conwell, being returned, reported that he had waited on the House of Assembly with the aforesaid papers according to order.

Mr. Craghead, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill to enable Charles Pope, his heirs, executors or administrators, to erect a bridge over Duck Creek, with the amendments proposed thereto by the Council; and also the following message from the House of Assembly to the Council relative to the said amendments, to wit:

"*Gentlemen:*

"The House of Assembly have taken into consideration the "amendments proposed by your honorable House to the bill to "enable Charles Pope, his heirs, executors or administrators, to "erect a bridge over Duck Creek, and have acceded to the first. "Your second amendment this House have not agreed to, be- "cause they conceive it would be a particular hardship upon the "said Charles Pope to oblige him to lay out a road, at least a "mile through his lands, without receiving any compensation by "way of damages, as they apprehend that the bridge intended "to be erected by him will be of public utility. The Assembly "therefore flatter themselves that the honorable Council, upon a "reconsideration of the said amendments, will recede therefrom.

"Signed by order of the House,

"Dover, June 22, 1778. SAM. WEST, *Speaker.*"

Which, by order, was read.

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On motion, by order, the resolution of the House of Asser for the appointment of committees for settling the Loan C accounts, was read the first time.

On motion, by order, the resolution of the House of Asser respecting an adjournment, was read the first time.

The Council now took into consideration the amendments posed by the House of Assembly to the bill for a free pardon, and after some time spent therein the same was postponed to-morrow.

Adjourned to 10 o'clock to-morrow.

WEDNESDAY, A. M., June 24th, 177

The Council met. All present as on yesterday, except Bassett, who is sick.

The Council resumed the consideration of the amendm proposed by the House of Assembly to the bill for a free par &c., and the same being severally acceded to, a further am ment to the said bill was proposed by the Council, agreed to, ordered to be transcribed and sent to the House of Assembly

The Council, taking into a reconsideration the second am ment proposed by them to the bill to enable Charles Pope heirs, executors, &c., to erect a bridge over Duck Creek, disagreed to by the House of Assembly, do recede therefron

Ordered, That Mr. Baning wait on the House of Asser with the foregoing bill and its amendments and inform t that the Council had receded from their second amendment.

Mr. Baning, being returned, reported that he had waited the House of Assembly, according to order, with the afore papers.

On motion, by order,

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House of Assembly for the appointment
the Loan Office Accounts, was read the
red in, and is as follows, viz:

'IN THE HOUSE OF ASSEMBLY,
"MONDAY, P. M., June 21st, 1778.

into consideration that part of the mes-
of the 14th of May last, objecting to the
ıse, of the 1st of the same month, for the
nittees for settling the accounts of the
concurred therein, and thereupon

vid Finney and John Thompson, Esq'rs,
part of this House, a committee for the
tle; William Killen and James Sykes,
e for the County of Kent; and William
es, Esquires, a committee for the County
pose of settling and adjusting the accounts
n Offices and Military Treasurers within
the accounts of a Committee of Safety,
nty of Sussex, agreeable to two resolu-
the aforesaid 1st of May.

inutes. JAS. BOOTH,
e. *Cl'k of Assembly.*"

Council, on their part, have nominated
ire, for the County of New Castle; Elea-
n, for the County of Kent; and Joseph
or the County of Sussex, in addition to
the House of Assembly, for the purpose

Conwell return to the House of Assembly
, with the concurrence and appointment

eturned, reported the delivery thereof ac-

ck, P. M.

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EODEM DIE, P.

The Council met.

Mr. Derrickson, a member of the House of Assembly, at
ing, was admitted and delivered to the Chair the Fee Bill
the amendments proposed thereto by the Council, severall
ceded to by the House of Assembly, except that part of th
which relates to the allowance to the Justices of the Cou
Common Pleas, &c., and an additional clause, proposed b
of amendment to the said bill by the House of Assembly
companied with a message from that House to the Council
tive to the same.

The same member also delivered to the Chair a resoluti
the House of Assembly for filling up the blanks, left for the
missioners' names, in the bill for a free pardon, &c.

On motion, by order, the message relative the amend
proposed by each House to the Fee Bill, was read the first
and is as follows, viz :

" *Gentlemen :*

"The Assembly have taken into consideration the a
"ments proposed by your honorable House to the bill for
"lating and establishing the Fees of divers Civil Officers
"State, and for other purposes therein mentioned, and
"agreed to all the said amendments except that part of th
"which makes the fees allowed to the Justices of the Cou
"Common Pleas and Orphans' Courts and the Registe
"the Probate of Wills double the sums allowed the said J
"and Registers by an act of Assembly of this State, passe
"third day of November, one thousand seven hundred an
"enty, entitled 'An act for regulating and establishing
"which they have rejected, because they conceive the s
"the said Justices, by an act of Assembly of this State,
"the twenty-second day of February, one thousand seven
"dred and seventy-seven, when added to the sums allow
"the first recited act, will make ample provision for defi

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"the expenses incurred by the said Justices while attending the "business cognizable before their Courts, and because they con- "ceive the office of Register for the Probate of Wills is a lucra- "tive post, and the execution thereof not necessarily attended "with any great expense.

"The Assembly have also added another clause to the bill for "defraying the expenses incurred by the Justices of the Supreme "Court during the sitting thereof, and for allowing them fees for "services by them to be done, for which no provision hath here- "tofore been made, which they flatter themselves will be acceded "to by your honorable House.

"Signed by order of the House,

"Dover, June 24, 1778. SAM. WEST, *Speaker.*"

On motion, by order,

The resolution of the House of Assembly for filling up the blanks, left for the commissioners' names, in the bill for a free pardon, &c., was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,

"WEDNESDAY, P. M., June 24, 1778.

"On motion,

"*Resolved*, That the blanks, left for the names of the commis- "sioners, in the bill entitled 'An act of free pardon and oblivion, "and for other purposes therein mentioned,' be filled up as fol- "lows, viz:

"For New Castle County—William M. Clay, Gentleman.
"For Kent County—The Honorable Samuel West, Esquire.
"For Sussex County—Levin Derrickson, Esquire.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

Adjourned to 10 o'clock to-morrow.

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THURSDAY, A. M., June 25th, 17

The Council met. All present as on yesterday.

On motion, by order, the message from the House of A bly to the Council of yesterday was read a second time ; w upon the following answer was drawn up at the table, rea agreed to, to wit :

Gentlemen :

The Council have taken your message of yesterday, relat the amendments proposed by Council to the bill entitled act for regulating and establishing the Fees of divers Civi cers, &c.," and the amendments proposed by your hon House to said bill, into consideration, and have receded their first amendment, proposing to strike out all the wo the clause in the second page of the aforesaid bill which the word [the] in the 3d line next before the word [Jus and agree that they shall stand after the other words by C proposed to be added to that exception.

We have also agreed to your proposed amendment wit following alterations, to wit: Dele the words [said act f tablishing fees] and insert [by the laws of this State] ; als the words [and Court of Oyer and Terminer and General Delivery] after the word [Court] in the fourth line o amendments. Dele the word [Supreme], in the third line enacting clause, and add the letter [s] to the next word. the words [the State], in the line next following, and insert words : [by the respective counties where the said Courts be held]. Dele the words [above-recited act] and inse the laws of the State]. Dele the word [the] and inse word [such] ; and also dele the words [in which they r tively reside].

Ordered, That Mr. Conwell wait on the House of Ass with the above message, and return the bill for regulati fees, &c., with its amendments.

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returned, reported that he had waited on
y with the said papers according to order.

Hyatt wait on the House of Assembly with
on, &c., and its amendments, and inform
have agreed to the amendments proposed
l, and have also proposed a further paper
same.

turned, reported that he had delivered the
er.

ock, P. M.

EODEM DIE, P. M.

r of the House of Assembly, attending, was
the bill for a free pardon, with the amend-
e same by the Council acceded to by the

delivered to the Chair "A bill to prevent
visions from this State beyond the seas."

don bill was read and passed the Council,

ill for a free pardon be engrossed.

er, the bill to prevent the exportation of
ad the first time.

same was read the second time and passed

Conwell return the same to the House
orm them that the Council have agreed

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Mr. Conwell reported that he had returned the said bill a ing to order.

Mr. Derrickson, a member of the House of Assembly, a ing, was admitted and delivered to the Chair the following message from the House of Assembly to the Council, viz:

"The House of Assembly finding they cannot, this ev "finish the business before them, have agreed to postpo "adjournment of the General Assembly until to-morrow "noon."

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., June 26th, 1

The Council met. Present the same members as on yest

The bill for a free pardon, &c., being engrossed, was re compared, and ordered to be sent by Mr. Clowes to the of Assembly for comparison, and to be signed by the Spea that House, together with the resolution for filling up the left for the names of the commissioners in the said bill, in the Council had concurred.

Mr. Clowes, being returned, reported that he had wait the House of Assembly with the said papers according to

Mr. Ridgely, a member of the House of Assembly, atte was admitted and delivered to the Chair the several bills this session, severally signed by the Speaker of the House sembly, together with the amendments to each, and a res of that House for affixing the Great Seal to the said bills.

The same member also delivered the resolutions of the of Assembly for procuring the records and public papers State, and lastly the resolutions of Assembly of the 25th 1778.

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On motion, by order, the resolution of the House of Assembly for affixing the Great Seal to the several bills passed this session was read and concurred in, and is in these words, viz.:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., June 26th, 1778.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of this State to the following bills, to wit:

"1. 'An act of free pardon and oblivion, and for other pur- "poses therein mentioned;'

"2. 'An act to prevent the exportation of provisions from "this State beyond the seas;'

"3. 'An act for aiding the discontinuance of the process in "the Supreme Court of this State;'

"4. 'An act for regulating and establishing the fees of divers "civil officers of this State, and for other purposes therein men- "tioned;'

"5. 'An act to enable Charles Pope, of the County of Kent, "his heirs, executors or administrators, to erect a bridge over "Duck Creek.'"

On motion, by order, the resolutions of the House of Assembly for procuring the records and public papers of this State were read and concurred in, and follow in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., June 26, 1778.

"WHEREAS the records and public papers of this State and "the County of New Castle have fallen into the hands of the "British troops, lately in the City of Philadelphia, in the Prov- "ince of Pennsylvania, and may yet remain there; in order, "therefore, to recover the same, if possible,

"*Resolved*, That the President of this State be empowered to "appoint a proper person or persons to go to said city for the "purpose aforesaid, to make inquiry for and demand and receive "and secure such records and public papers from any person or "persons in whose hands or possession the same, or any of them,

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"may be, and this House will defray all expenses that ma
"necessarily incurred in said business.

"*And whereas* this House stands well informed that Ge
"Stephenson, Esquire, formerly a Surveyor in the Counti
"New Castle and Kent, and now an inhabitant of Pennsylv
"hath in his possession many original warrants and other p
"concerning the rights to land in this State,

"*Resolved*, That the President be desired to appoint
"proper person to go to and demand and receive of the
"George Stephenson all warrants and other papers conce
"the titles of land, or other public papers belonging to
"State, that may be in his possession; and that he caus
"same papers, when received, to be safely lodged in the
"corder's Office of Kent County till the General Assembly
"otherwise direct.

"*Resolved*, That the President be empowered to draw
"the Trustee of the Loan Office in any county of this Stat
"such sum or sums of money as may be necessary for this
"vice, and this House will devise ways and means to replac
"same."

On motion, by order,

The resolutions of the Assembly of the 25th June, 1778, read and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, A. M., June 25th, 17

"On motion,

"*Resolved*, That his Excellency, the President, be empo
"and requested to give the necessary orders for the payme
"the debts due to the Militia of this State, according to th
"solves of the General Assembly thereof.

"That he draw out of the Loan Offices of this State, o
"of them, such sums of money as may be necessary for car
"into execution a resolve of the General Assembly empow
"his Excellency to procure arms and ammunition and to en
"an armourer, and this House will devise ways and mea
"replacing the same.

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of the appointment by the General As-
ıry General of Prisoners for this State be
Commissary, and signed by the Speakers
that the President be empowered to pay
said Commissary General such sum or
may want for the purchasing provisions
ers and for defraying the expense of the
ey that may be in any of the Loan Offices
ppropriated."

ck, P. M.

EODEM DIE, P. M.

several bills passed this session be now
of the Council.

ordingly ; and thereupon the Council, on
r. Jones and Mr. Clowes to be a commit-
nittee of the House of Assembly, to wait
President, with the said bills and see him
reto.

lowes return the said bills and the three
ns, severally signed by the Speaker of the
f Assembly, and inform them of the ap-

turned, reported that he had waited on
with the papers committed to him, and
ppointment aforesaid, according to order.

nber of the House of Assembly, attend-
nformed the Chair that the House of As-
their appointment, and have named, on
f Assembly, Messrs. Patterson, Ridgely,

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and Hall to join the said committee of Council for the p
aforesaid.

The committee, being returned, reported that they had
on his Excellency, agreeable to order, and that he affix
Great Seal of this State to the laws in their presence.

Mr. Waples, a member of the House of Assembly, atte
was admitted and delivered to the Chair a resolution of that
empowering the President to draw for monies allowed by th
eral Assembly, with an account for services done by James
Esquire, as Secretary, amounting to £54 : 4 : 0.

On motion, by order, the foregoing resolution was re
concurred in, and follows in these words, viz :

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, P. M., June 26th,

"On motion,

"*Resolved*, That the President or Commander-in-Chief
"powered to draw out of the Loan Offices of this State,
"of them, such sum or sums of money as have been agr
"the General Assembly to be due to any person or pers
"services rendered this State.

"On motion, by order, the account of James Booth, E
"for services done as Secretary, was read and allowed."

Ordered, That the foregoing resolution, with the conc
of the Council thereto, and the said account, be returned
House of Assembly by Mr. —.

Who, being returned, reported the delivery of the sa
cording to order.

The Council allowed the following accounts, brought in
sitting, for services rendered the State, viz :

	£
To Mr. French Battell, for the expenses incurred by the members of the Council, as per account filed,	1018
To George Read, Esq., . . for mileage, &c., . . .	21
Carried over, ...	£1039

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Brought over, ...	£1039	17	9
To Thomas Collins, Esq., " " . . .	14	3	9
To Nicholas Vandyke, Esq., " " . . .	24	17	1
To Richard Bassett, Esq., " " . . .	13	15	9
To John Baning, Esq., " " . . .	13	15	9
To William Conwell, Esq., " " . . .	16	1	4
To John Clowes, Esq., " " . . .	43	5	0
To Peter Hyatt, Esq., " " . . .	18	12	0
To John Jones, Esq.. " " . . .	39	1	1
To Benjamin Vining, Esq., Clerk of the Council, . .	32	12	6
To John Smithers, Doorkeeper, ...	12	0	0
	£1268	2	0

Resolved, That an order be drawn and signed by the Speaker for the payment of the said sum of £21 : 17 : 9 to George Read, Esq., on the Trustee of the Loan Office of New Castle County, and that orders be drawn and signed by the Speaker on the respective Trustees of the Loan Offices of Kent and Sussex Counties for the payment of the remaining sums.

Whereupon the said orders were drawn and signed by the Speaker.

Then the Council adjourned to the 10th day of August next, to meet at the Town of Dover.

In a note to the above the Clerk says: "N. B.—The General Assembly did not meet again this year, notwithstanding their adjournment." From what follows it may be inferred that the allusion is to the official year, the time for convening the General Assembly being the third Monday in October.

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MINUTES OF COUNCIL.

OCTOBER, 1778.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Council at the Town of Dover, in the County of Kent, on Monday, the nineteenth day of October, Anno Domini one thousand seven hundred and seventy-eight, a sufficient number of members to compose a House not attending, the Council adjourned from day to day until Wednesday, the 28th day of October, 1778.

WEDNESDAY, A. M., October 28th, 1778.

The following members appeared in the Council, viz:

For New Castle County—Peter Hyatt.

For Kent County—Thomas Collins, Richard Bassett.

For Sussex County—John Clowes.

The return of the Sheriff and Inspectors for the County of New Castle of the election of a Councillor to fill the seat of Nicholas Vandyke, Esq., which became vacant on the first day of October last by rotation, being laid on the table, it appears that Samuel Patterson, Esq., was elected a member of the Council for the County of New Castle, in the room of the said Nicholas Vandyke, on the first day of this instant, October.

Mr. Patterson appeared in the Council.

The return of the Sheriff and Inspectors for the County of Kent of the election of a Councillor being laid on the table, it

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appears that John Baning, Esq., whose seat became vaca
the first day of October last by rotation, was reëlected a m
of the Council for the County of Kent, on the first day
instant, October.

Mr. Baning appeared in the Council.

The return of the Sheriff and Inspectors for the Cou
Sussex of the election of a Councillor being laid on the ta
appears that William Conwell, Esq., whose seat became
on the first day of October last by rotation, was reëlected a
ber of the Council for the County of Sussex, on the first
this instant, October.

Mr. Conwell appeared in the Council.

And it also appears by the said return that the freeh
and electors of the said county did elect, choose, nominat
appoint William Polk, Esq., of said county, to represe
freemen of the county aforesaid in the Legislative Council
Delaware State, in the room of John Jones, Esq., late a m
thereof, and whose seat is vacated by reason of the said
Jones being appointed one of the Justices of the Supreme
for said State.

Mr. Polk appeared in the Council.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P.

The Council met and proceeded to the choice of a Sp
and Thomas Collins, Esq., was unanimously chosen.

The Speaker in the Chair, Mr. Benjamin Vining was app
Clerk, and Benjamin Crooks Doorkeeper and Sergeant-at
to the Council.

Messrs. Patterson, Baning and Conwell, three members
at the last general election, took the oath and subscribed t
claration prescribed by the twenty-second article of the Co

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tion of this State, and then took their seats in the Council. [*See note on page 10.*]

Benjamin Vining appeared in the Council, took the oath and subscribed the declaration prescribed by the 22d article of the Constitution of this State, and also took the oath of office as Clerk of the Council. [*See note on page 11.*]

Upon the question, whether William Polk, Esquire, can be admitted a legal member of the Council under the Sheriff's return and the present Constitution or form of Government, there having been no writ issued by the Speaker of the Council for the election of a Councillor in the room of John Jones, Esq., whose seat became vacant by the acceptance of an office, the Council are equally divided.

On the motion of Mr. Bassett, that the yeas and nays be entered on the said question upon the minutes, they are as follows, to wit:

For the affirmative—Mr. Clowes, Mr. Hyatt, Mr. Conwell.

For the negative—Mr. Bassett, Mr. Baning, Mr. Patterson.

And thereupon the Speaker gave the casting vote in the negative.

Mr. Peery, a member from the House of Assembly, attending, was admitted and delivered to the Chair a message from his Excellency, the President, to the Assembly, dated Oct. 23d, 1778, and inclosing a letter from the President of Congress, dated 10th July, 1778, with three acts of Congress, one passed the 2d day of Oct., 1778, for continuing the present embargo on provisions until the last day of January, 1779, and for other purposes therein mentioned; a second, an act passed the 5th Oct., 1778, for exchanging, with Continental Currency, such local Bills of Credit as have been received in the Loan Offices of each State respectively; a third, an act passed the 12th of the same instant, for encouraging true religion and good morals, and for the suppression of such entertainments as have a contrary tendency; which, by order, were read the first time, and the said message follows in these words, to wit:*

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* This message and sundry other documents, hereafter mentioned, do not appear in connection with the rough journal from which the proceedings of the

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The same member delivered to the Chair three petitions
the County of Sussex, complaining of undue influence us
the late election in that county, with a list of the witnesses
are to be summoned to prove the facts alleged in the said
tions, which, by order, were read the first time.

The same member also delivered to the Chair a resoluti
the House of Assembly for the sale of the barracks at Wil
ton, which, by order, was read the first time; and a resol
of the House of Assembly empowering the President to
for monies agreed by the General Assembly to be due to d
persons therein mentioned, which, by order, was read first

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., October 29th, 17

The Council met. Present the same members as on yeste

On motion, by order,

The resolution of the House of Assembly empowering the
sident to draw for monies agreed by the General Assembly t
due to the persons therein mentioned, was read a second
and an amendment was proposed and agreed to.

Ordered, That the same be transcribed and sent to the H
of Assembly for their concurrence.

On motion, by order, the resolution of the House of Assen
for the sale of the barracks at Wilmington, was read a se
time and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., Oct. 28, 17

"On motion of Captain John Lea,

Council, from Oct. 20 to Dec. 3d, 1778, inclusive, are copied. The com
journal for that period was not found when these papers were collected.

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"That some person or persons be nominated and appointed to "dispose of and sell the barracks now at the fort on Christiana "Creek, for the use of the State, and make return thereof to the "General Assembly, it being alleged that they are now unneces- "sary for the use of said fort, and are exposed to be carried away "and destroyed; thereupon

"*Ordered*, That Captain John Lea be and he is hereby em- "powered to make public sale of the said barracks, and that he "make return of his proceedings in the premises to the General "Assembly at their next meeting."

Ordered, That Mr. Clowes return to the House of Assembly the resolution for the sale of the barracks at Wilmington, concurred in by the Council; and also the resolution of the House of Assembly empowering the President to draw for monies agreed by the General Assembly to be due to the persons mentioned therein, with the amendments proposed thereto by the Council.

Mr. Clowes, being returned, reported the delivery of the said papers according to order.

On motion, by order, the petitions from the County of Sussex, complaining of undue influence used at the late election in that county, were read the second time, and thereupon

Ordered, That Friday, the 30th day of this instant, be the day assigned for hearing the said petitioners, and that summons issue for the several persons whose names are returned to the Council by the Assembly as witnesses, requiring their attendance to support said petitions, returnable the day aforesaid, and also that notice of the day of said hearing be given to said petitioners by the Sergeant-at-Arms.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

Ordered, That the Speaker issue summons for John Plowm Luke Watson, Emanuel Dodd, Samuel Laverty, John Hoo Obadiah Smith, Jeremiah Cannon, Henry King, Levin Can Joshua Obeer, Robert Cannon, George Polk, John Laws, William Watson, all of the County of Sussex, to appear be the Council on Friday, the 30th instant, then and there to tes and declare all such matters and things as they know concer the petitions complaining of undue influence used at the elec held on the 1st day of October last at Lewes-town, in Su County aforesaid; and that notice of the day of hearing be g to John Wiltbank, Thomas Evans, John Laws, and Isaac Sm Esquires, four of the said petitioners, agreeable to the afore order.

Summons were accordingly issued, returnable on Friday 30th instant, and notice given to the said petitioners.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., October 30th, 177

The Council met. Present the same members as on yester

The Sergeant-at-Arms now made his return of the said s mons, which, by order, was read, and thereupon, on motion

Resolved, That the said petitioners, John Wiltbank, Tho Evans, John Laws, and Isaac Smith, Esquires, be admitted the Council Chamber, to hear the testimony adduced in sup of the said petitions.

On motion,

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Resolved also, That the door of the Council Chamber be opened; and they were opened accordingly.

The Council then took into their deliberation what mode of taking the examination of the said witnesses would be the most expeditious, and, after some time spent therein, came to the following resolution, viz:

Resolved, That, for the dispatch of business and saving of time, the testimony be delivered *ore tenus*.

Then the said witnesses were produced before the Council and severally examined, and, being examined, were discharged.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., Oct. 31st, 1778.

The Council met. Present the same members as on yesterday.

The Council resumed the consideration of the petitions from the County of Sussex, complaining of undue influence used at the late election in that county, and, after hearing the petitioners and witnesses adduced to support the complaint,

Resolved, That there was no undue influence used at the said election, and that the aforesaid petitions are groundless and without the least foundation.

Mr. Peery, a member from the House of Assembly, attending, was admitted and delivered to the Chair two resolutions of the House of Assembly, the one a resolution for the appointment of a Committee for Public Accounts, the other a resolution for the appointment of a Committee of Claims on Forfeited Estates, &c.

On motion, by order,

The resolution of the House of Assembly for the appointment of a Committee of Claims on Forfeited Estates, &c., was read the first time.

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By special order the same was read the second time and
curred in, and is as follows, viz : *

And thereupon

Resolved, That a committee of two be appointed on the
of the Council to join with the committee of the House of
sembly.

And, on motion, Messrs. Patterson and Hyatt are appoi
for this purpose.

On motion, by order,

The resolution for the appointment of a Committee for P
Accounts was read the first time.

By special order the same was read the second time and
curred in, and is as follows, viz : *

And thereupon

Resolved, That a committee of two be appointed on the
of the Council to join with the committee of the House of
sembly.

And, on motion, Messrs. Baning and Hyatt are appoint
committee for this purpose.

Dr. Hall, a member from the House of Assembly, attend
was admitted and delivered to the Chair a message from his
cellency, the President, to the House of Assembly, dated Oct
29th, 1778, which, by order, was read and follows in these w
viz : *

The same member also delivered to the Chair a joint resol
of both Houses, in June last, empowering the President to
point one or more persons to go to Philadelphia in quest o
records and public papers of this State captured by the enem
September, 1777, with the President's appointment of Ge
Patterson for this service, and also General Patterson's acc
of expenses incurred in procuring the said papers, with list
and receipts for the same from the different officers in
Castle County, to whom they were delivered, which, by o
were severally read.

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* See note on page 315.

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o delivered to the Chair a joint resolution
e last, for procuring public records from
with the President's appointment of Wil-
ervice, Manlove's account of expenses in
Geo. Stevenson's receipt for money paid
e for the safe keeping of the said papers,
everally read.

so delivered to the Chair a resolution of
for allowances to General Patterson and
heir services and expenses in procuring
order, was read the first time.

same was read the second time and con-
e words, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., Oct. 30, 1778.

mbly took into consideration the account
Esq., for cash paid by him for procuring
pers of this State and of the County of
his expenses at Philadelphia during that
£102 : 16 : 6, and the same was allowed

efore the House of Assembly an account
who was appointed by the President, in
olutions of both Houses made in June
eceive of George Stevenson, Esquire, all
ing the title of lands in this State, for
Stevenson for those papers, the sum of
nses in going to Lancaster and Carlisle,
he execution of that service, £50. The
d account into consideration, allowed the
dred pounds to the aforesaid William

J. B."

er from the House of Assembly, attend-
delivered to the Chair a commission of
utenant of the Delaware Regiment, with
me endorsed thereon, and his petition to

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the General Assembly, praying to be reimbursed his exp necessarily incurred while he was a prisoner on Long Island

The same member also delivered to the Chair the report o committee of the House of Assembly, to whom the said pe was referred.

On motion, by order,

The commission of Alex. Stewart and his resignation the together with his petition and the report of the committe whom the said petition was referred, were read the first time

Adjourned till 3 o'clock, P. M.

EODEM DIE, P.

The Council met.

Ordered, That Mr. Conwell return to the House of Asse the resolution for the appointment of Committees for Public counts, and also the resolution for the appointment of Commi of Claims on Forfeited Estates, with the appointment and co rence of the Council thereto.

Mr. Conwell, being returned, reported the delivery of the according to order.

Ordered, That Mr. Baning return to the House of Asse the President's message and the joint resolutions for procu the public records, together with the appointments by virt these resolutions; General Patterson's account and the li the papers and receipts of the officers for the same; and als resolution for the allowances to General Patterson and Wi Manlove, concurred in by the Council.

Mr. Baning, being returned, reported the delivery of the papers according to order.

The commission of Alex. Stewart, and his resignation indo thereon, were, by order, read the second time, likewise the

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Stewart, and the report of the committee
bly, to whom the said petition was re-
read a second time, and the report con-
l, and follows in these words, to wit:

whom was referred the petition of Alex-
g forth that he had been captivated by
tle of Long Island on the 27th day of
at he had been detained as a prisoner of
during which time he had been under
ding considerable sums of money for his
ovision had at that time been made for
nd for part of which he is still indebted,
That they examined the said Alexander
e monies by him expended for subsis-
of his captivity, and are of opinion that
d the sum of £130 to reimburse him for
hile he was detained a prisoner."

Hyatt return to the House of Assembly
ition of Alexander Stewart, with the re-
of the House of Assembly, concurred in

y morning, 10 o'clock.

MONDAY, A. M., November 2d, 1778.

adjourned till 3 o'clock, P. M.

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EODEM DIE, P

The Council met. Present the same members as on Sat except Mr. Bassett.

Mr. Craghead, a member from the House of Assembly, ing at the door, was admitted and delivered to the Chai entitled "An act to continue an act entitled 'An act to p the exportation of provisions from this State beyond the s

The same member also delivered to the Chair a resolut the House of Assembly empowering the President to dr six thousand dollars, &c.

Mr. Speaker laid on the table a petition, signed by sund habitants of this State, praying the aid of the Legislature tablishing and increasing the wages of waggoners, which, der, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., Nov. 3d, 1

The Council met. Present the same members as on yest

The resolution of the House of Assembly empowering th sident to draw for six thousand dollars, &c., was, by orde and concurred in, and is as follows, viz:*

The Council being informed that, by the non-attendance o and the going away of others of the members of the House sembly, a sufficient number were not in town to form a Hou no prospect of their attendance until convened by special o the President, thereupon

* See note on page 315.

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ved to adjourn until the first Monday in January next.

ved also, That it be recommended to the President that the General Assembly on the first Monday in January the exigency of affairs may not make it necessary to con- General Assembly sooner.

ed, That a copy of the above resolution be delivered by k to the President.

the Council adjourned till the first Monday in January

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NUTES OF COUNCIL.

NOVEMBER, 1778.

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D PROCEEDINGS

OF THE

THE DELAWARE STATE.

SSION, NOVEMBER, 1778.

Council at the Town of Dover, in the pecial order of the President, on Mon- y of November, Anno Domini 1778, a s not attending, the Council adjourned Wednesday, the 2d day of December,

---

DNESDAY, P. M., December 2d, 1778.

esent the following members, viz :

y—George Read, Samuel Patterson.

homas Collins, Richard Bassett, John

ohn Clowes.

mittee of three be appointed to wait on sident, to inform him that a sufficient s of the Council have met to make a his Excellency would be pleased to order for the calling of the General Assembly

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of the State, with their returns, to be laid before the Coun
their inspection.

Messrs. Patterson, Bassett, and Clowes are appointed fo
purpose. The gentlemen, being returned, reported that
had waited on his Excellency, the President, and delivere
said message according to order.

Mr. Patterson, one of the committee appointed as afor
delivered to the Chair a message from his Excellency, the
dent, to the Legislative Council, which, by order, was rea
follows in these words, viz :

"*Gentlemen of the Legislative Council :*

"I received your committee this morning, and am pleas
"hear by them you are met in Council.

"Agreeable to your request, I have sent you herewith the
"by which you were called together, and must beg leave t
"you to my messages of the twenty-seventh and twenty-
"of November, directed to the General Assembly and del
"to the House of Assembly, for the business of your meet

"CÆSAR RODN

"Dover, December the 2d, 1778."

And the same member also delivered to the Chair the
issued by his Excellency, the President, for the calling
General Assembly of the State, with their returns, whic
order, were severally read.

Mr. Read, in his place, made his excuse for non-attenda
the sitting of the Council in June and October last, whic
admitted ; and also informed the Chair that Mr. Hyatt,
count of the indisposition of his family, could not attend
beginning of this sitting, whereupon he was excused.

On motion,

Ordered, That the Speaker issue a writ to the Sheriff of S
County, directing him to hold an election in that county,
able to the Constitution and Laws of this State, for the ch
of one new member of the Council for the said county
room of John Jones, whose seat became vacant by his acce

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ffice of one of the Judges of the Supreme Court of this

rned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., December 3d, 1778.

Council met. Present the same members as on yesterday.

rned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

raghead, a member from the House of Assembly, attend- admitted and presented to the Chair the President's mes- he General Assembly, dated the 27th of November, 1778, as read, and follows in these words, viz: *

lso an act of Congress of the 26th September, 1778, for ng the Public Treasury, and a recommendation to the ve States to enact laws for the taking and securing the and property of the debtors to the United States, which, r, was read the first time.

ame member also delivered to the Chair a copy of the of Confederation and Perpetual Union, attested by the t of Congress, which follows in these words, to wit: *

n, by order, was read the first time.

ame member also delivered to the Chair a copy of the

te on page 315.

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Treaties of Amity and Commerce and of Alliance between Fr
and the Thirteen United States of America, which, by order
read the first time; and also an act of Congress, recommen
to the Legislative or Executive powers of each of the U
States to appoint Wednesday, the 30th day of December, t
observed as a day of Thanksgiving and Praise, which, by o
was read the first time.

On motion of Mr. Bassett, for leave to bring in a bill for a
the discontinuance of the process in the Supreme Court of
State, and the same being granted, Mr. Bassett laid a bill for
purpose on the table, which was read the first time.

Ordered, That Mr. Clowes return to the House of Asse
the commission and petition of Lieutenant Alexander Ste
together with the report of the House of Assembly thereon,
curred in by the Council; and also the resolution of that H
empowering the President to draw for six thousand dolla
favor of George Latimer, Esq., to be by him applied in disch
of money allowed to be due to the Militia of this State, with
concurrence of the Council thereto.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., December 4th, 17

The Council met. Present the same members as on yeste

Mr. Clowes now reported the delivery of the several pa
given him in charge, according to the order of yesterday.

Mr. Davis, a member of the House of Assembly, atten
was admitted and delivered to the Chair Capt. Jonathan R
son's certificate of his loan of £300 to the Delaware State,
also Doctor Way's certificate of his loan of £100 to the
State, assigned to the said Robinson, together with a resol
empowering the Speakers of the Council and House of Asse
to draw on the State Treasurer for the monies due thereon.

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same member also delivered to the Chair a letter from
s Bailey, printer, addressed to George Craghead, Esquire,
ng his account for printing the Acts of Assembly of this
&c., amounting to £287 : 15 : 0, with a resolution em-
ng the Speakers of the Council and House of Assembly
w on the State Treasurer, for the payment of the said ac-
in favor of the said George Craghead, Esquire.

same member also delivered to the Chair a bill entitled
ct to prevent and punish the frauds and abuses of Quarter-
s and Commissaries General, their deputies and assistants,
hers."

motion, by order, the foregoing certificates of Jonathan
son and Nicholas Way, and the resolution empowering the
ers of the two Houses to draw on the State Treasurer for
onies due thereon, were severally read the first time.

motion, by order, Francis Bailey's letter and account for
g the laws of this State, &c., and the resolution empow-
the Speakers of the two Houses to draw on the State Trea-
or the payment of the same, were severally read the first

motion, by order,

bill to prevent and punish frauds and abuses of the Quar-
sters and Commissaries General, their deputies and assist-
nd others, was read the first time.

Stout, a member of the House of Assembly, attending,
lmitted and delivered to the Chair a resolution empowering
peakers of the Council and House of Assembly to draw on
ate Treasurer for £130 : 0 : 0 in favor of Alexander Stew-
hich, by order, was read the first time.

motion, by order,

bill for aiding the discontinuance of the process in the
me Court, was read the second time by paragraphs, and an
lment, by way of addition, was proposed thereto, which,
agreed to, was made in the bill, whereupon the bill, as
led, was read, agreed to, and passed the Council.

lered, That Mr. Baning wait on the House of Assembly
he said bill for their consideration and concurrence.

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On motion, by order,

The Articles of Confederation and Perpetual Union, wer
the second time and referred to a committee of three, to
thereon. The gentlemen chosen: Mr. Read, Mr. Basset
Mr. Clowes.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P.

The Council met.

Mr. Baning now reported the delivery of the bill commi
him according to order.

Mr. John Clayton, a member of the House of Assemb
tending, was admitted and returned to the Chair the b
aiding the discontinuance of the process in the Supreme
agreed to by the House of Assembly.

Ordered to be engrossed.

On motion, by order,

The act to continue an act entitled "An act to preve
exportation of provisions from this State beyond the seas,
read the first time.

On motion, by order,

The resolution empowering the Speakers of the Counc
House of Assembly to draw an order on the State Treasu
£130 in favor of Alexander Stewart, was read the secon
and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., December 4th, 1

"On motion,

"*Resolved*, That the Speakers of the Council and Ho
"Assembly be empowered to draw an order on the State

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in favor of Alexander Stewart for the sum of one hundred hirty pounds, allowed him by the General Assembly, to urse him for necessary expenses while detained a prisoner ong Island, and that Mr. Stout wait on the Council with esolution for their concurrence.

tract from the minutes.

"WILLIAM PEERY, *Cl'k P. T.*"

notion, by order,

resolution empowering the Speakers of the two Houses to n order on the State Treasurer in favor of George Crag- Esquire, to enable him to discharge the account of Francis printer, was read the second time, concurred in, and fol- these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., December 3, 1778.

e House took into consideration a letter from Mr. Francis y, directed to George Craghead, Esquire, inclosing an unt, amounting to two hundred and eighty-seven pounds n shillings, for printing seven hundred and fifty copies of of Assembly of this State, and four thousand seven hun- and seventy-five certificates; and thereupon

solved, That the Speakers of the Council and House of mbly be empowered to draw an order on the State Trea- in favor of George Craghead, Esquire, for the said sum o hundred and eighty-seven pounds fifteen shillings, to le him to discharge the said account.

tract from the minutes.

WILLIAM PEERY, *Cl'k P. T.*"

ered, That Mr. Bassett wait on the House of Assembly and the foregoing resolves, with the concurrence of the Council respectively.

Bassett, being returned, reported the delivery thereof ac- g to order.

urned till to-morrow morning, 10 o'clock.

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SATURDAY, A. M., December 5th, 17

The Council met. Present the same members as on yeste except Mr. Clowes.

Dr. Clayton, a member of the House of Assembly, atter was admitted and delivered to the Chair a resolution empow the Speakers of the two Houses to draw on the State Tre for ten thousand dollars, in favor of Thomas Rodney, to e him to pay for clothing purchased for the Delaware Regime

Adjourned till 3 o'clock, P. M.

EODEM DIE, P.

The Council met.

On motion, by order, the preceding resolution was rea first time.

By special order the same was read the second time, an dry amendments were proposed and agreed to, and ordered transcribed.

Ordered, That Mr. Bassett wait on the House of Ass with the foregoing resolution and transcribed amendmen their concurrence.

On motion, by order,

The act of Congress recommending to the Legislative ecutive powers of each of the United States to appoint W day, the thirtieth day of December, to be observed as a Thanksgiving and Praise, was read the second time, and upon

Resolved, That the same be delivered to his Excellenc President, and that he be requested to issue his proclamati cordingly.

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ered, That Mr. Bassett return to the House of Assembly
egoing act of Congress, together with the resolve of Coun-
ded thereon, for their concurrence.

Bassett, being returned, reported the delivery, according
r, of the several papers committed to his charge.

notion, by order,

act to continue an act entitled "An act to prevent the ex-
on of provisions beyond the seas," was read the second
d disagreed to; and thereupon

lved, That a committee of two be appointed to prepare
ing in a bill to prohibit the exportation of provisions be-
he seas for a limited time.

gentlemen chosen: Mr. Patterson and Mr. Bassett.

notion, by order,

bill to prevent and punish frauds and abuses in the Quar-
ter's and Commissary's Departments, &c., was read the
time and referred to a committee of two, to consider and
thereon.

members chosen: Mr. Read and Mr. Baning.

notion, by order, the petition praying the aid of the Leg-
in establishing and increasing the wages of waggoners,
d the second time and referred to the same committee.

Adams, a member of the House of Assembly, attending,
mitted and returned to the Chair the resolve of Council
ing the appointment of Wednesday, the thirtieth day of
ber, to be observed as a day of Thanksgiving and Praise,
e concurrence of the House of Assembly thereto, together
e act of Congress recommending the same.

same member also delivered to the Chair the resolution
ering the Speakers of the two Houses to draw an order
State Treasurer in favor of Thomas Rodney for ten
d dollars, &c., with the amendments proposed thereto
Council acceded to by the House of Assembly.

ered, That a copy of the resolve of Council for appointing

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Wednesday, the thirtieth day of December, to be observ
day of Thanksgiving and Praise, with the act of Congress
mending the same, be delivered by Mr. Read to the Presi

On motion, by order,

The resolution empowering the Speakers of the Coun
House of Assembly to draw an order on the State Treas
favor of Thomas Rodney for ten thousand dollars, as ar
and agreed to, was read and concurred in, and is as follow

"IN THE HOUSE OF ASSEMBLY
"FRIDAY, P. M., December 4th,

"WHEREAS the sum of seven thousand five hundred
"directed by the General Assembly the twentieth day o
"last past to be borrowed and put into the hands of T
"Rodney, Esquire, for the purpose of completing the c
"of the Delaware Regiment, hath not been obtained; th

"*Resolved*, That the Speakers of the Council and H
"Assembly be empowered to draw an order on the Stat
"surer in favor of the said Thomas Rodney for ten th
"dollars, to enable him to pay for clothing purchased
"Delaware Regiment; and the said Thomas Rodney is
"accountable for the expenditure thereof to the General
"bly.

"Extract from the minutes.

"WILLIAM PEERY, *Cl'k P.*

Ordered, That Mr. Patterson return the same to the H
Assembly, concurred in by the Council.

Mr. Patterson, being returned, reported that he had wa
the House of Assembly with the above resolution, accor
order.

Adjourned till Monday morning, 10 o'clock.

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MONDAY, December 7th, 1778.

resent the same members as on Saturday.

ember of the House of Assembly, attend-
delivered to the Chair the resolution of the
the 28th October last, empowering the
onies agreed by the General Assembly to
s therein mentioned, with the amendments
e Council acceded to by the House of As-

lso delivered a bill entitled "An act to
to hear and determine the claims of the
the Whig Battalion, &c."

lso delivered a letter to the President of
aniel Scudder, Governieur Morris, and
a bill entitled "An act to prohibit, for
tilling of whiskey and other spirits from
her sort of grain, or from any meal or
said letter.

rrow morning, 10 o'clock.

TUESDAY, A. M., December 8th, 1778.

resent the same members as on yesterday,

r of the House of Assembly, attending,
ered to the Chair a petition from sundry
ok and Bosman's Creek Marshes, in New
ng the division of the banks inclosing the
ill, founded on the same petition, by way
ct entitled "An act to enable the owners
meadow, marsh and cripple on the south

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side of Christiana Bridge, called Fern Hook Marsh, and marsh and meadow on the south side of the same creek, Bosman's Creek Marsh, in the County of New Castle, to the banks and sluices in repair, and to raise a fund to defr expenses thereof," passed the 24th day of March, 1770.

The same member also delivered a set of resolutions House of Assembly to make provision for the officers Delaware Regiment, and also a resolution of that House pointing George Craghead, Esq., Clothier-General of this

On motion, by order, the foregoing petition from the of Fern Hook and Bosman's Creek Marshes, and the s mentary bill founded thereon, were severally read the first

On motion, by order, the resolutions of the House of A bly, for providing for the officers of the Delaware Reg were read the first time.

On motion, by order, the resolution of the House of A bly for appointing George Craghead, Esq., Clothier-Gene this State, was read the first time.

On motion, by order, the resolution of the House of Ass empowering the President to draw for monies agreed by th eral Assembly to be due to divers persons therein ment was read the first time.

On motion, by order, the bill to appoint commissioners t and determine the claims of the officers and soldiers of the Battalion, &c., was read the first time.

On motion, by order, the letter from Messrs. Scudder, N and Whipple, and the bill founded thereon, to prohibit limited time, the distilling of whiskey and other spirits wheat, rye, or any other sort of grain, or from any m flour, were read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P

The Council met and adjourned till to-morrow morni o'clock.

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WEDNESDAY, A. M., December 9th, 1778.

Council met. Present the same members as on yesterday.

Davis, a member of the House of Assembly, attending, nitted and delivered to the Chair an account of the sale arracks at Wilmington, together with a resolution of the of Assembly for the payment of the money arising from thereof to the State Treasurer, which, by order, were first time.

otion, by order,

resolution of the House of Assembly, of the 28th October powering the President to draw for monies agreed by the Assembly to be due to divers persons, as amended and to, was read the second time and concurred in, and is as viz :

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., October 28th, 1778.

motion,

olved, That the President or Commander-in-Chief be em-red and required to draw on the Trustees of the Loan s of this State, or any of them, for the sum of thirty-five ds nine shillings and nine pence, agreed by the General mbly, on the 22d day of February, 1777, to be due to es West, late Fort-Major at Wilmington; and also for the of one hundred and twenty-three pounds fifteen shillings, d by both Houses, on the 7th of June, 1777, to be due to ral Rodney, Colonel Thomas Collins, and James Latimer, rs; and also for the sum of forty-eight pounds, allowed by General Assembly, in February, 1777, to Col. Thomas Col-as one of the signers of papers Bills of Credit emitted in State in the year 1776; and also for the sum of forty-seven ds one shilling and nine pence, allowed, as aforesaid, in uary, 1777, to Colonel Thomas Collins and Samuel West, xecuting the commission given them by the General As-ly in November, 1776, respecting the battalions then

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"under Colonels Haslet and Patterson, &c.; and also f
"sum of thirty-eight pounds ten shillings, allowed, as afo
"in June, 1777, to Colonel Thomas Collins and John Thon
"Esquires, for their attendance on public affairs in the C
"of Sussex in the year 1777, he taking receipts for th
"draughts.

"Extract from the minutes.

"WILLIAM PEERY, *Cl'k P.*

On motion, by order,

The resolutions of the House of Assembly to make pr
for the officers of the Delaware Regiment, were read the s
time and postponed for consideration.

Ordered, That Mr. Bassett wait on the House of Ass
with the resolutions of the 28th October last, empoweri
President to draw for monies agreed by the General Ass
to be due to divers persons, concurred in by the Counc
also deliver the following verbal message, viz:

Gentlemen:

The Council desire to be informed whether any paper,
monstrance, from the officers of the Delaware Regiment, w
before your House on which your resolution of the 7th i
making provision for the officers of the said regimen
founded. If so, the Council request that the said paper
by order of your House, be laid before them.

Mr. Bassett, being returned, reported that he had wai
the House of Assembly with the above papers, accord
order.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

ouncil met.

ɔtion, by order, the account of the sales of the barracks ington, and the resolution of the House of Assembly for ment of the monies arising from the sale thereof to the easurer, were read the second time, and the said resolu- concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., December 9th, 1778.

notion,

lved, That Captain John Lea pay the sum of eighty-one s twelve shillings, now in his hands, arising from the sales public barracks at the fort on Christiana Creek, to the Treasurer, and that the same be subject to the joint nts of both Houses.

ract from the minutes. JAS. BOOTH,
t for concurrence. *Cl'k of Assembly.*"

ed, That Mr. Clowes return the foregoing account and n, concurred in by the Council, to the House of Assem-

lowes, being returned, reported the delivery thereof ac- to order.

r Clayton, a member of the House of Assembly, attend- admitted and presented to the Chair two letters from Hall and Pope and one from Capt. Patton, accompanied etition from the officers of the Delaware Regiment, pray- provision may be made for them by the General Assem- his State.

notion, by order, the foregoing letters and petition were first time.

Hyatt now appeared in the Council.

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The committee appointed to prepare and bring in a prohibit the exportation of provisions from this State the seas for a limited time, now delivered one at the tabl

On motion, by order, the foregoing bill was read the fi

By special order the same was read the second time, a amendments being proposed and agreed to and made the said bill passed the Council.

Ordered, That Mr. Clowes wait on the House of A with the foregoing bill for their consideration and concur

Who, being returned, reported the delivery thereof ac to order.

Mr. Peery, a member of Assembly, attending, was a and returned to the Chair the above-mentioned bill, w concurrence of the House of Assembly thereto.

The same member also delivered to the Chair a messa the President to the General Assembly, inclosing a circul from a committee of Congress of the 11th of November l a letter from the President of the Council of Massachuse with an act of the General Assembly of Massachusetts prevent the return into that State of all persons who hav the enemy.

Ordered, That the bill to prohibit the exportation of pr beyond the seas for a limited time be engrossed.

The said bill, being engrossed, was read, compared, order, signed by the Speaker of the Council.

On motion, by order, the engrossed bill for aiding the tinuance of the process in the Supreme Court, was read a pared.

Ordered, That the same be signed by the Speaker Council ; which was done accordingly.

On motion,

Resolved, That the President and Commander-in-Ch the Great Seal of this State to the following laws, to wit :

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g the discontinuance of the process in the

oit the exportation of provisions from this
or a limited time."

Patterson wait on the House of Assembly
ned bills, in order that the same may be
by the Speaker of that House, and also
f the Council for affixing the Great Seal
r concurrence.

ed the delivery, according to order, of the

for leave of absence till Monday next,

row morning, 10 o'clock.

THURSDAY, December 10th, 1778.

esent the same members as on yesterday,

s of the Council attending on committees,
ll to-morrow morning, 10 o'clock.

FRIDAY, December 11th, 1778.

esent the same members as on yesterday.

s attending on committees, the Council
morning, 10 o'clock.

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SATURDAY, December 12th, 1

The Council met. Present the same members as on yest

Some of the members attending on committees, the C adjourned till Monday morning, 10 o'clock.

MONDAY, December 14th, 1

The Council met. Present the same members as on Sat

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, December 15th, 1

The Council met. Present the same members as on yes

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, December 16th, 1

The Council met. Present the same members as on yes and also Mr. Clowes.

Mr. Conwell now appeared in the Council.

The return of the Sheriff and Inspectors for the Cou Sussex of the election of a Councillor, by virtue of a writ

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Council for that purpose, to fill the seat of
h became vacant by his acceptance of the
dges of the Supreme Court of this State,
, it appears that William Polk, Esquire,
of the Council for the County of Sussex,
John Jones.

in the Council, took the oath and sub-
prescribed by the twenty-second article
his State, and took his seat. [*See note on*

olk,

ules to be observed by the members of
ng thereof be read; which was done ac-

lace, made his excuse for his non-attend-
which was admitted.

hom were referred the bill to prevent and
ses in the Quartermaster's and Commis-
d the petition from the owners of waggons
s, now delivered their report at the table,
ad the first time.

upplement to the act entitled "An act to
l possessors of the meadow, marsh and
de of Christiana Creek, called Fern Hook
sh and meadow on the south side of the
nan's Creek Marsh, in the County of New
ks, &c., in repair and raise a fund to de-
of," was read the second time and passed

the table a petition from Isaac Carty and
e bill for preventing the distilling of spirits

, the said petition was read the first time.

rrow morning, 10 o'clock.

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THURSDAY, December 17,

The Council met and adjourned till to-morrow morn
o'clock.

FRIDAY, A. M., December 18,

The Council met. Present all the members.

On motion, by order,

The report of the committee to whom were referred the
prevent and punish frauds and abuses in the Quartermaste
Commissary's Departments, and the petition from the ow
waggons for an increase of wages, was read the second ti

The same was read a third time by paragraphs and ag
by the Council.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, December 19th,

The Council met and adjourned till to-morrow morn
o'clock.

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SUNDAY, December 20th, 1778.

Council met. Present all the members.

Council being informed that, by the non-attendance of d the going away of others of the members of the House mbly, a sufficient number were not in town to form a and no prospect of their attendance until convened by order of the President, thereupon

ved, That the Council adjourn till the fifth day of January

ved also, That it be recommended to the President that e his writs of summons for the calling together of the s of the House of Assembly on the said fifth day of Jan- the dispatch of public business.

red, That the Clerk of this House deliver a copy of the esolution to the President.

the Council took into consideration the accounts brought xpenses of their members and officers during their attend- the last and present meeting, and the traveling charges nembers to and from the place of meeting, and the follow- ounts were allowed, viz :

nch Battell, his accounts for the expenses of members of Council and their Clerk at his se, for the months of October, November, to the 20th day of December, 1778, inclu-

, ...	£	594	10 0
uel Patterson, Esq., for traveling charges, .		12	0 0
r Hyatt, Esq., " " .		2	17 6
n Clowes, Esq., " " .		9	10 0
liam Polk, Esq., " " .		2	0 0
liam Conwell, Esq., " " .		4	10 0
rge Read, Esq., " " .		6	0 0
Carried over, ...	£	631	7 6

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Brought over, ...	£63
To Benjamin Vining, for his services as Clerk of the Council, ...	
To John Dawson, for riding express, &c., ...	
To Edward Cole, for ditto, ...	
To Thomas Wild, Doorkeeper and Sergeant-at-Arms,	
Total, ...	£66

Ordered, That the Speaker draw orders on the Trus the Loan Offices of the respective Counties, in equal tions, for the said sum of £631 : 7 : 6, in favor of Mr. Battell; and that he draw orders for the remaining £34 : 17 : 6, in favor of the several persons above-men on the Trustees of the Loan Office for Kent County.

Whereupon the said orders were drawn and signed Speaker.

Then the Council adjourned till the fifth day of January

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S OF COUNCIL.

UARY, 1779.

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TES AND PROCEEDINGS

OF THE

)UNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1779.

meeting of the Council at the Town of Dover, in the of Kent, by adjournment, on Tuesday, the fifth day of , Anno Domini, 1779, a quorum of members not attend- e Council adjourned from day to day until Tuesday, the stant.

TUESDAY, January 12th, 1779.

Council met. Present the following members, viz :

New Castle County—Samuel Patterson.

Kent County—The Hon. Thomas Collins, John Baning.

Sussex County—John Clowes, William Polk.

Hall, a member of Assembly, was admitted and delivered Chair a letter from the Governor of Maryland, of the 16th accompanied with an act to prevent distilling grain into which, by order, was read the first time.

urned till to-morrow morning, 10 o'clock.

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WEDNESDAY, A. M., January 13th,

The Council met. Present the same members as on ye and also Messrs. Bassett, Hyatt and Conwell.

On motion,

Ordered, That Mr. Conwell deliver to the House of A the bill to prevent and punish frauds and abuses in the master's and Commissary's Departments, with the ame proposed and agreed to by the Council, for their conc and that he return to that House the petition from the and possessors of Fern Hook and Bosman's Creek Mar the original act and the bill by way of supplement to t act, agreed to by the Council.

Mr. Conwell reported the delivery of the above papers ing to order.

On motion, by order,

The bill to appoint commissioners to hear and deter claims of the officers of the Whig Battalion, &c., was second time and postponed for consideration until the af

Adjourned till 3 o'clock, P. M.

EODEM DIE,

The Council met and took into consideration the foreg and proposed and agreed to sundry amendments thereto

Ordered, That the same be transcribed and sent the the House of Assembly for their concurrence, by Mr. Po

Who, being returned, reported the delivery thereof a to order.

Adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, A. M., January 14th, 1779.

Council met. Present the same members as on yesterday.

Waples, a member of Assembly, was admitted and deliv- the Chair a resolution of the House of Assembly for the ment of a committee to state an account of expenditures State for the Continent, &c., and also a resolution of that for the appointment of committees for settling the Loan ccounts, and the following notification, viz :

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., January 13, 1779.

lered, That Mr. Waples wait on the Council and inform that this House will meet the Council, at such time and as they may appoint, in order to put in nomination per- o be balloted for as Delegates from this State to the Con- of the United States for the ensuing year, and also for a Justice of the Court of Common Pleas and Orphans' for the County of Kent, in the room of Thomas Rodney, who hath declined to accept his appointment thereto.

tract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

notion, by order, the foregoing resolutions, respecting the ment of committees, were severally read the first time.

notion, by order,

esolution of the House of Assembly for the appointment thier-General was read the second time and rejected.

notion, by order, the following verbal message from the , in answer to the verbal message or notification of the of Assembly respecting the proceeding to put in nomina- rsons to be balloted for as Delegates to Congress, &c., of ay, was drawn up at the table and agreed to be sent to use of Assembly, viz :

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Gentlemen:

The Council received your verbal message of yesterda
ing your inclination of meeting the Council, at such time
as they should appoint, in order to put in nomination p
be balloted for as Delegates from this State to the Co
the United States of America for the ensuing year, an
Chief Justice of the Court of Common Pleas and Orpha
for the County of Kent, in the room of Thomas Rodn
who hath declined to accept of his appointment thereto
extremely willing to meet the honorable House of Asse
the above purpose, and also to put in nomination a per
balloted for as Clothier-General for this State, at four o'
afternoon in the Assembly Room, if agreeable to your
House.

Dover, January 14, 1779.

Ordered, That the same be sent to the House of A
with the resolution for the appointment of a Clothier-Ge
Mr. Bassett.

Adjourned till 3 o'clock, P. M.

EODEM DIE,

The Council met.

Mr. Bassett now reported the delivery of the papers c
to him according to order.

Mr. Cook, a member of Assembly, was admitted and
to the Chair the bill to prevent and punish frauds and
the Quartermaster's and Commissary's Departments,
the amendments proposed thereto by the Council acce
the House of Assembly, except as to their 7th, 8th
amendments, together with a paper of amendments pro
the House of Assembly to the said amendments of the
which, by order, were read the first time.

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ember of Assembly, was admitted and de-
following verbal message from the House
ncil, viz :

mbly are now ready to receive the Coun-
Room, to put in nomination persons to be
ates from this State to Congress and for
Court of Common Pleas and Orphans'
of Kent. Dover, January 14, 1779."

rbal message from the Council, in answer
message, be drawn up, which was accord-
ese words, viz :

s to their attending you, agreeable to your
y delivered by Mr. Derrickson, beg leave
orable House that an additional proposal,
forenoon in answer to yours of yesterday,
in nomination persons qualified for the
ral for this State, appears to be rejected.
are desirous to know, before they attend
the reason inducing your House to reject

me be transcribed and sent to the House
owes,

reported the delivery according to order.

the distilling of whiskey or other spirits
ead the second time and deferred for con-

row morning, 10 o'clock.

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FRIDAY, A. M., January 15th, 1

The Council met. Present the same members as on yes and also Mr. Read.

Mr. Peery, a member of Assembly, was admitted and del to the Chair the following verbal message from the House sembly to the Council, viz:

"*Gentlemen:*

"The House of Assembly are at a loss to know the "which induced the Council to conclude they had reject "proposition of your honorable House for putting in no "tion, this afternoon, persons to be balloted for as C "General, no such thing being contained in the verbal m "of the Assembly. As the Council gave no reason for "ing the mode of appointing a Clothier-General adopted "Assembly, this House apprehended the Council would "suddenly request the reasons why this House disagreed "aforesaid proposition of the Council. The Assembly d "reject the same proposition, but, for want of sufficient ti "consideration of that business, had come to no determi "thereon, which induced this House to take no notice "part of the Council's message. But this House, still a "to forward the public business, are ready to receive the C "to put in nomination persons to be balloted for as Delega "Congress, and as Chief Justice of the Court of Common "and Orphans' Court for the County of Kent.

"Dover, January 14, 1779."

Mr. Read, in his place, made his excuse for non-attenda an earlier day, which was admitted.

On motion,

Resolved, That a message from the Council, in answer foregoing message from the House of Assembly, be dra which was accordingly done, read and agreed to, and foll these words, viz:

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ting any notice, in their verbal message
by Mr. Derrickson, of the proposition
n their preceding message, delivered by
nomination a person to be balloted for as
s State, at the time proposed for nominat-
oted for as Delegates to Congress and a
mmon Pleas and Orphans' Courts of Kent
Council to suppose their proposition re-
apprehend the House of Assembly would
he opportunity of doing that at one meet-
which will require another meeting, and,
me perhaps unnecessarily.

duced to dissent to your resolve for the
othier-General, for that it is an office of
rofit, or at least some salary must be al-
o be performed by him, and as such he
the manner that all other officers of the
nstances, heretofore have been, as appears
s of the two Houses on their respective
e Council are not so tenacious as to the
ion of persons for a Clothier-General shall
Assembly wish to have it postponed, and
to be now made, the Council will meet
urpose.

me be transcribed and sent to the House
ning.

er of Assembly, was admitted and deliv-
tion of the House of Assembly empower-
h Houses to draw for seven hundred and
st, in favor of Vincent Loockerman.

r, the foregoing resolution was read the

same was read the second time, concurred
s, viz :

"In the House of Assembly,
"Friday, A. M., January 15th, 1779.
before the House a certificate to Vincent

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"Loockerman of the loan of seven hundred and fifty pou
"this State, given by the Honorable George Read, Es
"Vice-President thereof, on the sixteenth day of Decemb
"thousand seven hundred and seventy-seven, in pursua
"joint resolutions of the General Assembly, and the said
"Loockerman requesting the payment of the same, with
"terest thereof,

"*Resolved*, That the Speakers of the Council and Ho
"Assembly draw an order on the State Treasurer in favor
"said Vincent Loockerman for the said sum of seven h
"and fifty pounds, with the interest for the same, at the
"six per cent. per annum, from the said sixteenth day
"cember, one thousand seven hundred and seventy-seven

Ordered, That Mr. Baning return the same to the Ho
Assembly, with the concurrence of the Council thereto.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P

The Council met.

Mr. Baning now reported the delivery of the several
committed to him according to order.

Mr. Bryan, a member of Assembly, was admitted and
ered the following message from the House of Assembly
Council, viz :

"*Gentlemen :*

"The reasons assigned by your honorable House for re
"the appointment of a Clothier-General for this State, m
"the Assembly, are satisfactory. As this House had no
"object in view by that appointment than the public s
"therefore readily agree to receive your House in the As
"Room forthwith, to put in nomination persons to be b

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s Delegates to Congress, a Chief Justice of the Common and Orphans' Courts of Kent County, and a Clothier-ral for this State."

Council, agreeable to the order of the day, proceeded to embly Room, and there met the House of Assembly, to nomination persons to be balloted for as Delegates to Con-a Chief Justice of the Common Pleas and Orphans' Courts t County, and a Clothier-General for this State.

notion,

red, That Mr. Patterson, Mr. Ridgely, and Mr. Kollock ommittee to wait on his Excellency, the President, and him that the General Assembly are now met in the As- Room to put in nomination persons to be balloted for ef Justice of the Common Pleas and Orphans' Courts of County, and to know whether his Excellency would wish nd that nomination.

committee, being returned, reported that they had waited President with the message committed to them, agreeable er, and that he declined attending the nomination, but be present at the balloting.

n the General Assembly proceeded to put in nomination persons, whose names were taken down for the considera- the members of both Houses.

motion, agreed that the General Assembly now separate, eet at three o'clock on Monday afternoon, in the Council to ballot for Delegates to Congress, a Chief Justice of mmon Pleas and Orphans' Courts of Kent County, and ier-General for the State, out of the persons now put in ation for the said offices. Then the Council withdrew.

Clowes applied for leave of absence till three o'clock on y afternoon next, which was granted.

urned till to-morrow morning, 10 o'clock.

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SATURDAY, January 16th

The Council met. Present the same members as on y
except Mr. Clowes.

Adjourned till Monday morning, 10 o'clock.

MONDAY, P. M., January 18th

The Council met. Present the same members as on y
and also Mr. Clowes.

On motion,

Ordered, That Mr. Clowes and Mr. Hyatt be a com
wait on the House of Assembly and acquaint them that t
cil are now sitting and are ready to receive them, in th
Chamber, to ballot for Delegates to Congress, a Chief J
the Common Pleas and Orphans' Courts of Kent Coun
Clothier-General for the State.

The committee, being returned, reported that they h
ered the above message according to order, and that th
of Assembly said they would attend the Council immed

The Council and Assembly being met in the Council
ballot for Delegates to Congress, a Chief Justice of the
Pleas and Orphans' Courts of Kent County, and a
General for the State, according to the order of Fri
proceeded to the ballot for Delegates to Congress, wh
taken down, it appeared that John Dickinson, Nicho
dyke, and Thomas McKean, Esquires, had a majority
and are declared duly elected Delegates from this State
gress for the ensuing year.

On motion,

Ordered, That Mr. Clowes, Mr. Bryan, and Doctor

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mmittee to wait on his Excellency, the President, and to him that the General Assembly are now met in the Council to ballot for a Chief Justice of the Common Pleas and Or- Courts of Kent County, and request his attendance, if he proper.

gentlemen reported the delivery of the above message ac- to order, when his Excellency was pleased, in answer, to t he would wait on the General Assembly immediately.

President attended, and proceeded with the General As- to ballot for a Chief Justice of the Common Pleas and ns' Courts of Kent County, and the box containing the being examined, it appeared that John Clark, Esquire, clared duly elected Chief Justice of the Common Pleas phans' Courts of Kent County. Then the President with-

General Assembly then proceeded to ballot for a Clothier l for the State, and the ballot being taken down, it ap- that George Craghead, Esq'r, was declared duly elected r-General for this State.

notion,

lved, That the Speakers of the two Houses inform John Esquire, of his appointment to the office of Chief Justice Common Pleas and Orphans' Courts of Kent County, and t his answer forthwith whether he will accept of the said tment.

motion, agreed that the General Assembly now separate. he House of Assembly withdrew, and the Council adjourn- to-morrow morning, 10 o'clock.

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TUESDAY, A. M., January 19th,

The Council met. Present the same members as on ye

Mr. Speaker laid on the table a petition from sun officers of this State, praying an increase of the fees ann their respective offices, which, by order, was read, and to be referred to the House of Assembly for their consid

On motion, by order,

The Council took into consideration the amendments p by the House of Assembly to their amendments to the prevent frauds and abuses in the Quartermaster's and C sary's Departments, and acceded generally thereto.

On motion, by order,

The resolutions of the House of Assembly for the appo of committees for settling the Loan Office accounts were second time and concurred in, and are as follows, viz :

"IN THE HOUSE OF ASSEMBLY
"WEDNESDAY, P. M., January 13,

"WHEREAS the committees appointed by the late "Assembly to settle and adjust the accounts of the "Loan Offices for the Counties of New Castle and Ke "not proceeded in that business ; therefore

"*Resolved*, That a committee of three persons in eac "said counties be appointed to settle and adjust the acc "the said offices in the counties aforesaid respectively, "hereby directed to settle and adjust the said accounts f "time of the settlement made by Messrs. McKinly, Re "len, Haslet, and Robinson, a committee of Assembly "purpose, and make report thereof to the General Asse "this State at their next meeting.

"The members chosen, on the part of this House, "Castle County, are Messrs. Alexander Porter and

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ke ; for Kent County, Messrs. William Killen and John

esolved, That Simon Kollock and Joseph Hall, Esquires, ommittee for the County of Sussex to settle and adjust counts of the General Loan Office for the said county for suing year.

lved, That the committees respectively be directed to the sums of money in specie and paper which are in the fices."

hereupon the Council, on their part, have nominated wing persons to join the said committees of the House nbly, to wit: For New Castle County, John Thompson, ; for Kent County, Eleazar M. Comb, Gentleman ; and ex County, John Clowes, Esquire.

Council now took into consideration the bill to prevent lling of whiskey from any kind of grain, &c., and some ents were proposed, agreed to, and ordered to be trans- and sent to the House of Assembly for their consideration currence, together with the said bill.

rned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., January 20th, 1779.

Council met. Present all the members.

otion, by order,

esolutions of the House of Assembly for the appointment nmittee to state an account of expenditures by this State Continent, &c., were read the second time, and an amend- as proposed by way of addition to the first resolution.

red, That the same be transcribed and sent therewith to use of Assembly for their concurrence by Mr. Patterson, also appointed to return to that House the bill to prevent lling of whiskey, &c., with amendments proposed thereto

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by the Council; the petition of Isaac Carty and Edwa against the same bill; the letter from the Governor of M inclosing a bill against distilling whiskey, and a letter committee of Congress; and also the bill to prevent and frauds and abuses in the Quartermaster's and Commissar partments, with the amendments proposed by that Hous Council's amendments to the same bill, acceded to by th cil; and the petition for an increase of the wages of wag and also the resolutions of the House of Assembly for pointment of committees for settling the Loan Office a with the concurrence and appointment of the Council and, lastly, the petition from sundry civil officers for an of their fees.

Mr. Patterson, being returned, reported the delivery several foregoing papers according to order.

On motion,

The Council took into consideration the resolutions House of Assembly to make provision for the officer Delaware Regiment, and after some time spent therein t was postponed till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE,

The Council met.

Doctor Hall, a member of Assembly, was admitted an ered to the Chair the resolutions of that House for the a ment of a committee to state an account of expenditures State for the Continent, &c., with the amendments p thereto by the Council acceded to by the House of Ass whereupon the said resolutions, as amended and agreed t read, concurred in, and are as follows, viz:

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"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., January 13th, 1779.

"WHEREAS the committee of the General Assembly hereto-"fore appointed for stating an account of expenditures by this "State for and in behalf of the United States, &c., have not "entered upon the duty assigned them; therefore

"*Resolved*, That Messrs. Robert Bryan, John Cook, and Wil-"liam Peery be a committee to settle an account of the monies "advanced by this State, or upon the credit thereof, for recruit-"ing the Delaware Regiment in the three last campaigns, and of "the expenditures of the same, and to state an account of expen-"ditures by this State for and in behalf of the United States, and "also to state an account of all monies, provisions, and other "necessaries which have been supplied by and on behalf of this "State to prisoners taken by the United States, or this State, "since the beginning of the war, and of which accounts have "not been already transmitted to Congress, agreeable to a reso-"lution of Congress of the 26th of February last; and that the "said committee be empowered to send for persons, papers and "things, and make report of their proceedings to the General "Assembly at their next sitting.

"*Resolved*, That the reasonable expenses to be incurred by the "said committee in the execution of the business hereby assigned "them be defrayed by this State, and that an adequate allowance "be also made for their time and trouble in that service."

Ordered, That Mr. Conwell return the same to the House of Assembly concurred in by the Council.

Who reported the delivery thereof according to order.

The Council now resumed the consideration of the resolutions of the House Assembly to make provision for the officers of the Delaware Regiment, and proposed and agreed to sundry amendments to the same, which were ordered to be transcribed and sent therewith to the House of Assembly for their concurrence by Mr. Polk, together with the petition from the officers of the Delaware Regiment.

Adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, A. M., January 21st

The Council met. Present the same members as on y

Mr. Polk now reported the delivery of the several pap
him in charge, according to the order of yesterday.

Mr. Craghead, a member of Assembly, was admitted
livered to the Chair the resolutions to make provisio
officers of the Delaware Regiment, with the amendm
posed thereto by the Council acceded to by the House o
bly and made therein; whereupon the said resolutions w
concurred in, and ordered to be signed by the Speake
are as follows, viz:

"IN THE HOUSE OF ASSEMB
"MONDAY, P. M., December 7

"WHEREAS the unexpected and exorbitant prices wh
"article of clothing hath arisen to, render the pay of th
"of the Delaware Regiment in the service of the Unit
"insufficient to support their rank; therefore, for the
"provision,

"*Resolved*, That the Clothier-General of this State
"provide and deliver to each field officer, captain, li
"and ensign, the surgeon and surgeon's mate, in the s
"ment, one suit of clothes, to consist of a coat, waist
"a pair of breeches, or, in lieu thereof, eighty pound
"election of such officer, in consideration of his past se

"*Resolved*, That the said Clothier-General do purc
"provide for every of the said officers the following cl
"wit: One coat, two waistcoats, two pairs of breeches, fo
"four pair of stockings, and three pairs of shoes, for th
"year, at any Continental or State store, or elsewhe
"disposed of to said officers, on application, they p
"said clothing, as near as can be computed, the prices
"would have cost at the time the said officers' pay was s
"the balance on all such clothing to be charged to this S
"the General Assembly will provide for the payment th

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"*Resolved*, That the Speakers of the Council and House of "Assembly do forthwith draw on the State Treasurer for the "sum of two thousand five hundred pounds in favor of the "Clothier-General, to enable him to comply with the first re- "solve."

On motion, by order,

The certificates of Jonathan Robinson and Nicholas Way, of their loans to this State, and the resolution of the House of Assembly empowering the Speakers of the two Houses to draw on the State Treasurer for the monies due thereon, were severally read the second time and deferred for consideration till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and took into consideration the resolution empowering the Speakers of the two Houses to draw on the State Treasurer for the monies due on the certificates of Jonathan Robinson and Nicholas Way, and several amendments were proposed and agreed to, and ordered to be transcribed.

Ordered, That Mr. Conwell return to the House of Assembly the foregoing certificates and resolution, with the transcribed amendments, for their concurrence; and also the resolutions to make provision for the officers of the Delaware Regiment, concurred in by the Council.

Mr. Conwell, being returned, reported the delivery of the above papers according to order.

The committee to whom were referred the Articles of Confederation and Perpetual Union, &c., now delivered in their report at the table.

On motion, by order, the foregoing report was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, A. M., January 22d,

The Council met. Present the same members as on ye

Mr. Davis, a member of Assembly, was admitted and d
to the Chair the resolution empowering the Speakers of
Houses to draw for the monies due to Jonathan Robi
certificates, with the amendments proposed thereto by th
cil generally disagreed to by the House of Assembly.

Whereupon the Council, taking into consideration th
amendments, receded therefrom and concurred in the re
which is in these words, viz:

"IN THE HOUSE OF ASSEMBL
"THURSDAY, P. M., December 3,

"On motion,

"*Resolved*, That the sum of three hundred pounds, rec
"the Convention of this State from Mr. Jonathan Robi
"twenty-first day of September, one thousand seven
"and seventy-six, and the sum of one hundred pounds,
"from Mr. Nicholas Way the same day, the certificate
"is assigned to the said Robinson, together with the legal
"of six per cent. per annum, be paid to the said Jonath
"inson, and that the Speakers of the Council and Hous
"sembly be empowered to draw an order on the State T
"in favor of the said Jonathan Robinson for that purpos

Ordered, That Mr. Baning return to the House of A
the above-mentioned certificates and resolution, with the
rence of the Council thereto.

Mr. Baning reported that he had returned the sam
House of Assembly according to order.

The report of the committee to whom were referred
cles of Confederation and Perpetual Union, &c., was, h
read the second time and postponed for consideration
afternoon.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

l took into consideration the preceding re-
e, and after some time was spent therein
n was deferred till to-morrow.

r of Assembly, was admitted and delivered
uppressing vice and immorality, which, by
t time.

rrow morning, 10 o'clock.

SATURDAY, A. M., January 23d, 1779.

Present all the members.

ock, P. M.

EODEM DIE, P. M.

resumed the consideration of the com-
Articles of Confederation and Perpetual
ne following resolutions thereon:

State think it necessary, for the peace and
be included in the Union, that a moderate
be assigned for such of those States as
or South Sea, and that the United States,
, should and ought to have the power of
its.

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Resolved also, That this State consider themselves jus
tled to a right, in common with the other members of the
to that extensive tract of country which lies to the west
the frontiers of the United States, the property of which
vested in or granted to individuals at the commencemen
present war; that the same hath been or may hereafter b
from the King of Great Britain or the native Indians by th
and treasure of all, and ought therefore to be a commo
to be granted out on terms beneficial to the United State

Resolved also, That the courts of law established wit
State are competent for the purpose of determining all
versies concerning the private right of soil claimed wi
same, and that they now, and at all times hereafter, o
have cognizance of all such controversies; that the indet
provision, proposed in the 9th Article of the Confedera
deciding upon controversies that may arise about some
private rights of soil, tends to take away such cogniza
is contrary to the Declaration of Rights of this State, an
fore ought to receive an alteration.

The Council then, taking into consideration the str
earnest recommendations of Congress forthwith to acced
present plan of Confederacy, and the probable disadvanta
may attend the further delaying a ratification thereof,

Resolved, That, notwithstanding the terms of the Ar
Confederation aforesaid are considered as in divers resp
equal and disadvantageous to this State, and the objectio
report of the committee of this House and the resolv
thereon are viewed as just and reasonable and of great
to the welfare and happiness of the good people ther
under the full conviction of the present necessity of acc
the Confederacy proposed, and in firm reliance that th
and justice of the several States will in due time remov
as possible, the objectionable parts thereof, the Deleg
pointed to represent this State in Congress, or any one
of them, be authorized, empowered and directed, on
this State, to subscribe and ratify the said Articles of
eration and Perpetual Union between the several States
Hampshire, Massachusetts Bay, Rhode Island and Pr
Plantations, Connecticut, New York, New Jersey, Penn
Delaware, Maryland, Virginia, North Carolina, South

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the said articles, when so subscribed and obligatory on this State.

ve was given to bring in a bill to empower State to ratify the said articles. A bill for on the table, was, by order, read the first

he same was read the second time and

Baning wait on the House of Assembly Articles of Confederation and the report reon, the preceding resolutions and bill

nformed the Council that he had received lark, Esquire, to the notification directed s of the two Houses, in which he signified ot of his appointment to the office of Chief Pleas and Orphans' Courts of Kent County.

lay morning, 10 o'clock.

MONDAY, January 25th, 1779.

Present all the members.

ported the delivery of the several papers ccording to the order of Saturday.

ber of Assembly, was admitted and deliv- bill for raising one hundred and seventy he Delaware State, for the service of the en hundred and seventy-nine, by a general

also delivered a supplementary bill to the

also delivered a supplement to an act enti-

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tled "An act to prohibit the exportation of provisions f
State beyond the seas for a limited time," and also a bi
relief of wounded officers, soldiers, &c.

On motion, by order, the foregoing bills were sever
the first time.

Mr. Craghead, a member of Assembly, was admitted
sented to the Chair a message from the President to the
Assembly, inclosing a letter from his Excellency, Gener
ington, of the 19th inst.; another, of the same date, fron
Governieur Morris and William Whipple, a committee
gress, and another from Jeremiah Wadsworth, Com
General of Purchases, to the said committee, on the s
engrossing.

On motion, by order, the said message and its inclos
severally read, and the said message is as follows, viz:

"*Gentlemen of the General Assembly:*

"Saturday afternoon I received, by express, a letter
"Excellency, General Washington, requesting that I w
"the Deputy Quarter authority to canton Pulaskie's
"within this State, and as I would wish the General
"to take order in this matter, have directed the Secreta
"the letter before you. I have also directed him to l
"your Honors a letter, of the 19th instant, from the c
"of Congress, on the subject of engrossing, with a c
"letter from the Commissary-General of Purchases to
"that head.

"CÆSAR ROD

"Dover, January the 25th, 1779."

On motion

Resolved, That Messrs. Clowes, Read, and Bassett b
mittee to prepare and bring in a bill for the quartering
within this State.

Adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, January 26th, 1779.

The Council met. Present the same members as on yesterday.

The committee appointed to prepare and bring in a bill for the quartering of troops in this State, now delivered one at the table, which, by order, was read the first time.

On motion,

Resolved, That Mr. Clowes, Mr. Read, and Mr. Bassett be a committee to prepare and bring in a bill against engrossing and forestalling of flour, grain and forage.

Doctor Clayton, a member of Assembly, was admitted and delivered to the Chair a memorial from the members of the Privy Council, praying the aid of the Legislature to make provision for their expenses incurred during their attendance on the duties of their office, with a resolution of the House of Assembly empowering the Speakers of both Houses to draw for divers sums of money in favor of the members of the Privy Council and Secretary, and also the following verbal message, viz:

"*Gentlemen:*

"As the seat of John Clark, Esquire, the second Justice of the "Court of Common Pleas and Orphans' Court in the County of "Kent, is become vacant by his appointment to and acceptance of "the office of Chief Justice of those Courts, and it is necessary to "fill that vacancy, this House therefore propose to your honor-"able House to meet the Council, at such time and place as you "may appoint, for the purpose of putting into nomination proper "persons to be balloted for as second Justice in said Courts. "This House also inform the honorable the Council that they "intend to adjourn on Saturday next, for this present sitting, to "some future day."

On motion, by order, the foregoing memorial and resolution founded thereon were severally read the first time.

On motion, by order,

The bill for the relief of wounded officers and soldiers, &c., was read the second time, and thereupon

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Resolved, That a committee of two be appointed to said bill into consideration, and report thereon to-morr ing.

The gentlemen chosen: Mr. Patterson and Mr. Polk.

On motion, by order,

The bill, by way of supplement to the act entitled "A prohibit the exportation of provisions from this State be seas for a limited time," was read the second time and for consideration.

On motion, by order,

The bill for raising one hundred and seventy thousar for the year 1779, by general tax, was read the second thereupon

Resolved, That a committee of three be appointed to said bill into consideration, and report their objectio same.

The gentlemen chosen: Mr. Bassett, Mr. Read, and well.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., January 27

The Council met. Present all the members.

On motion, by order,

The bill for the quartering of troops within this State the second time and passed the Council.

Ordered, That Mr. Hyatt deliver the foregoing bi House of Assembly for their consideration and concurre

Mr. Hyatt reported the delivery according to order.

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Mr. John Clayton, a member of Assembly, was admitted and delivered to the Chair a bill to increase the salaries and allowances to the Justices of the Supreme Court, which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and, some of the members attending on committees, adjourned till to-morrow morning, 10 o'clock

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THURSDAY, A. M., January 28, 1779.

The Council met. Present all the members.

The committee to whom the bill for raising one hundred and seventy thousand dollars by a general tax was referred, now delivered their report at the table, which, by order, was read and ordered to lie over till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and took into consideration the foregoing bill and report, and after some time spent therein the further consideration thereof is postponed till to-morrow.

Doctor Clayton, a member of Assembly, was admitted and returned to the Chair the resolutions of Council empowering the the Delegates from this State in Congress to ratify the Articles of Confederation, together with the bill for the ratification of the

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said articles, and the report of the committee thereon, sev
concurred in by the House of Assembly.

The same member also returned to the Chair the bill fo
quartering of troops within this State, with a paper of ar
ments proposed thereto by the House of Assembly.

The same member also delivered to the Chair the report
Committee for Public Accounts, with a list of vouchers.

Ordered, That the bill for the ratification of the Artic
Confederation be engrossed.

The Council took into consideration the amendments pro
by the House of Assembly to the bill for the quartering of t
&c., and proposed and agreed to some amendments to th
amendments of the House of Assembly, which were orde
be transcribed.

Ordered, That Mr. Polk deliver the said bill, and the s
papers of amendments, to the House of Assembly.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., January 29, 17

The Council met. Present all the members.

Mr. Polk now reported the delivery of the several papers
mitted to his charge, according to the order of yesterday.

Doctor Hall, a member of Assembly, was admitted and
ered to the Chair the bill to prohibit, for a limited time, th
tilling of whiskey and other spirits from wheat, &c.; als
bill to prevent and punish the frauds and abuses in the Qu
master's and Commissary's Departments; and also the
appoint commissioners to hear and determine the claims
officers and soldiers of the Whig Battalion, &c., respec
signed by the Speaker of the House of Assembly, together
their original draughts and amendments, in order to be com
and signed by the Speaker of the Council.

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The same member also returned to the Chair the bill for the quartering of troops, &c., with the amendments proposed thereto by the House of Assembly and the amendments proposed by the Council to the said amendments, two of which the House of Assembly acceded to and rejected the two remaining amendments of the Council.

The Council now took into consideration the verbal message of the House of Assembly of the 26th instant, and thereupon the following answer thereto was drawn up and agreed to, viz:

Gentlemen:

The Council accede to your proposal of putting into nomination proper persons to be balloted for as second Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and will meet your honorable House, if agreeable, in the Assembly Room, at four o'clock this afternoon, for the purpose aforesaid.

Ordered, That Mr. Baning deliver the same to the House of Assembly.

Then the Council took into consideration such of their amendments to the amendments proposed by the House of Assembly to the bill for the quartering of troops, &c., as were rejected by the House of Assembly, and thereupon a message from the Council to the House of Assembly, stating the reasons of Council for adhering to their amendments so rejected, was drawn up at the table, read and agreed to, and is as follows, viz:

Gentlemen:

The Council have reconsidered the two last amendments proposed by the Council to the amendments proposed by the House of Assembly to the bill for the quartering of soldiers, returned as rejected by your House, and are of opinion that the third amendment is a necessary one, for that no person but a Justice can billet any soldier, &c., by the bill, therefore the expressions "or if the person so billeting them be a Justice," in the 6th and 7th line of your first amendment, are improper, as they imply a power of billeting in other than a Justice or Justices; but, by adding the word [single], as in our amendment, those expressions will have their proper reference to the billeting authorized by the third

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section of the bill, and for these reasons the Council are in
to adhere to their third amendment aforesaid.

The Council, by their fourth amendment, intended effec
to exclude Quartermasters and their deputies from exer
the power of quartering, which they were doubtful might n
strict military speech, be considered to be included in the
military officers; but if the House of Assembly shall be of
ion, after knowing our reasons for the fourth amendment
the same is unnecessary, and that their constituents may be
secured against the exertion of a dangerous power by tho
the staff of the army, the Council will recede from the said f
amendment.

Ordered, That Mr. Baning deliver the said message t
House of Assembly, together with the bill for the quarteri
soldiers, &c., and its several papers of amendments.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P.

The Council met.

Mr. Baning now reported the delivery of the several p
given him in charge, to the House of Assembly, accordi
order.

Mr. Waples, a member of Assembly, was admitted an
turned to the Chair the bill for the quartering of troops,
and its amendments, with the following verbal message, viz

"*Gentlemen:*

"This House having taken into consideration the reasons
"tained in your message for adhering to the amendments
"posed by your honorable House to the amendments offer
"the House of Assembly to the bill for quartering of sol
"do not consider them satisfactory. The Assembly, ther
"propose, as the most expeditious manner of terminatin

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"difference in opinion respecting the said amendments, the ap-
"pointment of committees by both Houses to confer thereon,
"and do accordingly appoint Messrs. Ridgely, Hall, and Joshua
"Clayton a committee on the part of this House, who will forth-
"with meet a committee of your honorable House for that pur-
"pose, if the said proposition be concurred in by the Council."

And thereupon

Resolved, That Messrs. Read and Conwell be a committee, on the part of the Council, to meet a committee of the House of Assembly to confer on the subject matter of the several amendments proposed by each House to the bill for the quartering of troops.

On motion, the Council resumed the consideration of the bill for raising 170,000 dollars, &c., and the committee's report thereon and sundry amendments were agreed to, and further amendments being proposed, the further consideration is postponed till to-morrow.

On motion, by order,

The bill for suppressing vice and immorality was read the second time, and will not pass, and, on motion, leave was given to bring in a bill, by way of supplement to several acts of Assembly, for the suppression of vice and immorality. A bill for this purpose being laid on the table was, by order, read the first time.

By special order the same was read the second time and deferred for consideration till to-morrow morning.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, A. M., January 30th, 17

The Council met. Present all the members.

The committee to whom was referred the bill for the rel
wounded officers and soldiers, &c., now brought in their r

Mr. Cook, a member of Assembly, was admitted and deli
to the Chair a bond (or obligation) of John Jones, Esq., t
Delaware State in the sum of one thousand pounds, with a
lution of the House of Assembly empowering the Preside
receive the said sum of one thousand pounds from Mr. Jon

Ordered, That Mr. Polk wait on the House of Assembl
inform them that the Council have acceded to their propos
the appointment of a committee of Council to meet a comm
of the House of Assembly to confer on the subject matter
several amendments proposed by each House to the bill fo
quartering of soldiers.

Mr. Polk, being returned, reported that he had waited
House of Assembly with the said message, according to or

Adjourned till 3 o'clock, P. M.

EODEM DIE, P.

The Council met.

On motion, by order, the report of the committee to whom
referred the bill for the relief of wounded officers and sol
&c., was read the first time and recommitted to the same
mittee, with the addition of Mr. Read.

The committee appointed to confer with a committee
House of Assembly on the subject matter of the amendme

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the bill for the quartering of soldiers, now delivered their report at the table, which, by order, was read and agreed to.

Ordered, That the said bill be engrossed.

On motion, the Council now resumed the consideration of the bill for raising one hundred and seventy thousand dollars, &c., and further amendments were proposed and agreed to and ordered to be transcribed.

Ordered, That the said bill and transcribed amendments be sent to the House of Assembly, for their consideration and concurrence, by Mr. Clowes.

Who, being returned, reported the delivery thereof according to order.

Mr. Craghead, a member of Assembly, was admitted and delivered to the Chair Colonel Pope's account against the Delaware Regiment for clothing, and its vouchers, with a resolution of the House of Assembly for the payment of cloth seized and taken by Colonel Pope for the use of the Delaware Regiment.

On motion, by order,

The bond of Colonel John Jones to the Delaware State in the sum of one thousand pounds, and the resolution of the House of Assembly empowering the President to receive the said sum of one thousand pounds from Mr. Jones, were read the first time.

By special order the said resolution was read the second time, and an amendment was proposed and agreed to.

Ordered, That Mr. Conwell wait on the House of Assembly with the said bond and resolution and transcribed amendments.

Adjourned till to-morrow morning, 10 o'clock.

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SUNDAY, January 31st, 1

The Council met. Present all the members, except Mr. B

On motion, by order,

The report of the Committee for Public Accounts was re deferred for consideration until to-morrow.

Adjourned till to-morrow morning, 10 o'clock.

MONDAY, A. M., February 1st, 1

The Council met. Present all the members.

The Council now took into consideration the report Committee for Public Accounts, and having partially pro therein, the same was further postponed until to-morrow.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P

The Council met.

Mr. Conwell now reported the delivery of the several committed to him according to the order of Saturday last.

The bill for the ratification of the Articles of the Confed by the Delaware State, and the bill for the quartering of so being engrossed, were read and compared and ordered signed by the Speaker of the Council; which was done a ingly.

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On motion, by order,

The engrossed bill to prohibit, for a limited time, the distilling of whiskey from wheat, rye, or any other sort of grain, or from any meal or flour; the bill to prevent and punish the frauds and abuses in the Quartermaster's and Commissary's Departments, &c., and the bill to appoint commissioners to hear and determine the claims of the officers and soldiers of the Whig Battalion, stationed at Newark and Dover, being respectively signed by the Speaker of the House of Assembly, were read, compared and ordered to be signed by the Speaker of the Council; which was done accordingly.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the following laws, passed at this session, to wit:

1. The act to prohibit, for a limited time, the distilling of whiskey from wheat, rye, or any other sort of grain, or from any meal or flour;

2. The act to prevent and punish the frauds and abuses in the Quartermaster's and Commissary's Departments, and for ascertaining the pay of impressed teams and their drivers;

3. The act to appoint commissioners to hear and determine the claims of the officers and soldiers of the Whig Battalion, stationed at Newark and Dover, in this State;

4. The act for the ratification of the Articles of Confederation by the Delaware State;

5. The act for the quartering of soldiers.

Ordered, That Mr. Polk deliver the said bills to the House of Assembly, respectively signed by the Speaker of the Council, together with the resolution for affixing the Great Seal to the same, for their concurrence.

Mr. Polk, being returned, reported the delivery thereof according to order.

The Council resumed the consideration of the bill, by way of supplement to the several acts of Assembly for the suppression of vice and immorality, and the same passed the Council.

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Ordered, That Mr. Hyatt deliver the same to the Hou Assembly for their consideration and concurrence.

Who reported the delivery thereof according to order.

On motion, by order,

The bill to increase the salaries and allowances to the Ju of the Supreme Court was read a second time and deferr consideration till to-morrow morning.

On motion, by order,

The bill, by way of supplement to the act of pardon, was the second time.

Mr. Craghead, a member of Assembly, was admitted an livered to the Chair a message from the President to the G Assembly, inclosing a letter from the President of Congr the 22d ultimo, and several acts of Congress on the subj Finance, of October 8th and November 19th, 1778, and Ja 1, 2, 5, 13 and 14, 1779.

The same member also returned to the Chair the bond o Jones, Esquire, and the resolution of the House of Ass founded thereon, with the amendments proposed thereto b Council agreed to by the Assembly, and a resolution o House, with the said amendment inserted therein, directin President to receive the monies due on the said bond.

The same member also returned the resolution of the C for affixing the Great Seal to the laws therein mentioned curred in by the House of Assembly.

The same member also delivered to the Chair the suppl tary act to the act for keeping in repair the banks of Fern and Bosman's Creek Marshes, &c., signed by the Speaker Assembly, with a resolution for affixing the Great Seal to th bill.

The same member also delivered a supplementary bill t act for keeping in good repair the bridge and causey ov Broadkiln, in Sussex County.

On motion, by order,

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The supplementary act to the act for keeping in repair the banks, &c., of Fern Hook and Bosman's Creek Marshes, was read, compared and signed by the Speaker.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal of this State to the foregoing bill, was read and concurred in by the Council,

On motion, by order,

The supplementary act to the act for keeping in good repair the bridge and causey over the Broadkiln, in Sussex County, was read the first time.

The Council taking into consideration the memorial of George Evans and George Latimer, Esquires, two of the members of the Privy Council of this State, requesting leave to resign their seats at that board, and it appearing by the minutes of this House that Thomas McDonough, Esq'r, and the said George Latimer were first elected by the Council, Mr. Latimer's resignation is accepted. The Council then proceeded to supply Mr. Latimer's place in the Privy Council, by ballot, when the box containing the ballots being examined by the Speaker, Eleazer McComb, of Kent County, Gentleman, having eight ballots of the nine put into the box, is declared elected a Privy Councillor.

Mr. Conwell applied for leave of absence, which is granted.

On motion of Mr. Bassett for a leave of absence for a few days, the same is granted.

Adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, A. M., February 2d, 17

The Council met. Present all the members, except M
Conwell and Bassett.

Mr. Waples, a member of Assembly, was admitted and
ered to the Chair a resolution of the House of Assembly d
ing Samuel Patterson, Esquire, State Treasurer, to pay t
Continental Congress this State's quota of the Continenta
for the year 1778, amounting to sixty thousand dollars, an
following verbal message, viz:

"*Gentlemen:*

"The House of Assembly have resolved to adjourn this
"some future day."

Adjourned till 3 o'clock, P. M.

EODEM DIE, P.

The Council met and resumed the consideration of the
mittee's report on the Public Accounts, and proposed and a
to sundry amendments.

The committee to whom were recommitted the bill fo
relief of wounded officers, soldiers, &c., now reported, as
opinion, that the same be rejected and a new one framed in
thereof. A bill for this purpose being laid on the table, wa
order, read the first time.

Mr. Kollock, a member of Assembly, was admitted and
ered at the Chair the bill for raising one hundred and ninety
thousand dollars, for the service of the year 1779, by a ge
tax, signed by the Speaker of the House of Assembly, tog
with the original bill, the committee's report thereon, an

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d by the Council thereto, in order to be
by the Speaker of the Council, with a res-
e Great Seal thereto.

Polk return to the House of Assembly the
tee on the Public Accounts, and the paper
sed thereto by the Council for their concur-
accounts and vouchers.

urned, reported that he had waited on the
ith the above papers, according to order.

nto consideration the verbal message from
y, delivered in the forenoon, and thereupn

nessage, in answer to the same, be drawn
was read and agreed to, and is as follows,

opinion that some of the business now be-
they deem necessary on the part of your
cannot be completed in the short time your
e limited for their sitting by their verbal
d. The Council beg leave to remind you
or or certificate of the appointment of the
tate to Congress have been as yet sent to
been done on the resolutions of Congress,
h your House late last evening, and if time
businesses they will be left undone. We
uty thus to shew our opinion of the conse-
sue from the adjournment of your House
mit the same to your consideration.

Signed by order of the Council.

d, 1779.

. Clowes deliver the said message to the

d the delivery according to order.

er,

the House of Assembly directing Samuel

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Patterson, Esq., State Treasurer, to pay this State's quota
Continental tax for the year 1778 to the Continental Con
was read the first time.

By special order the same was read the second time an
agreed to; and thereupon, on motion,

Resolved, That the President or Commander-in-Chief
State be authorized and appointed to draw orders on S
Patterson, Esq., State Treasurer, as well for the sixty tho
dollars raised in this State for the proportion demanded by
gress for the year one thousand seven hundred and seventy-
as for the one hundred and fifty thousand dollars to be rai
the State for its proportion demanded by Congress for th
seventeen hundred and seventy-nine, when the same, or any
part thereof, shall come to the hands of the State Treasure
direct the payment of the said sums respectively into the
sury of the United States, and there placed to the credit
State.

Ordered, That Mr. Polk deliver the same to the House
sembly for their concurrence, together with the resolution
House of Assembly disagreed to by the Council.

On motion, by order,

The resolution directing the President to receive the
due on the bond of John Jones, Esq., et al., was read, con
in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY
"MONDAY, P. M., February 1, 1

"Mr. Speaker laid before the House an obligation, dat
"1st May, 1777, for one thousand pounds from John Jones
"Dagworthy, and Levin Derrickson, of the County of S
"Esquires, to this State, the said sum being a loan fro
"State to the said John Jones, in pursuance of divers reso
"of the General Assembly in February, 1777, for the enco
"ment and assistance of him in erecting salt works in this
"with a special condition, agreeable to the purport of th
"resolutions; and the House taking the same into consider
"and it appearing that no supply of salt for the use of the
"made and manufactured therein, hath been obtained, an

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r hath elapsed since the date of the bond

be recommended to the President or Com-
thwith to take necessary and effectual mea-
monies payable by the said obligation on
e of the condition thereof, and on the re-
apply them to the payment of the allow-
de by the General Assembly to the Militia

Polk return the foregoing resolution to the
concurred in by the Council, together with
the original resolution.

er,

the members of the Privy Council, and the
se of Assembly founded thereon, were read
an amendment was proposed and agreed to.

same be transcribed and sent, with the said
use of Assembly for their concurrence, by

member of Assembly, was admitted and
ir a message from the House of Assembly
, by order, was read, and follows in these

sembly have taken your message, just now
sideration. The desire they have to com-
siness which at this time appears immedi-
e concluded, has induced them to postpone
urnment until to-morrow evening, but can-
ger; and therefore desire that all possible
ven to the business most urgent."

er,

provision for the relief of wounded officers
as read the second time, and passed the

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Ordered, That Mr. Polk deliver the same to the H
Assembly for their concurrence, and return the bill propo
that House rejected by the Council.

On motion, by order,

The supplementary bill to the act for keeping in good
the bridge and causey over the Broadkiln, in Sussex
was read the second time and deferred for consideration
morrow morning.

Adjourned till eight o'clock to-morrow morning.

WEDNESDAY, A. M., February 3d,

The Council met. Present the same members as on ye

Mr. Polk now reported the delivery of the several pape
in charge to him, agreeable to the order of yesterday.

On motion, by order,

The President's message to the General Assembly, of
instant, and its inclosures, were severally read, and the sa
sage is as follows, viz:

"*Gentlemen of the General Assembly:*

"I have just received, by express, from his Excelle
"President of Congress, a letter of the 22d ultimo, inclos
"divers acts of that honorable body on the subject of
"which I have ordered the Secretary to lay before your
"for your perusal.

"CÆSAR RODI

"Dover, February 1st, 1779."

On motion, by order,

The bill to increase the salaries and allowances to the
of the Supreme Court was read the third time and will pa

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Baning return the same to the House of
y the Council.

sumed the consideration of the supplemen-
r keeping in good repair the bridge and
lkiln, in Sussex County, and some amend-
lition to the same, were proposed, agreed
ranscribed and sent therewith to the House
concurrence, by Mr. Patterson.

ported the delivery of the bill to increase
nces to the Justices of the Supreme Court,

bill for raising one hundred and ninety-
, for the service of the year one thousand
enty-nine, by a general tax, and the bill,
to the act entitled "An act to enable the
of the meadow, marsh and cripple on the
na Creek, called Fern Hook Marsh, and
adow on the south side of the same creek,
k Marsh, in the County of New Castle, to
uices in repair, and to raise a fund to de-
eof," being severally read and compared,
aker of the Council and returned, by Mr.
se of Assembly, together with the resolu-
affixing the Great Seal to the said bills,
il.

ember of Assembly, was admitted and de-
e memorial from the members of the Privy
tion founded thereon, with the amendments
he Council disagreed to by the House of

also returned to the Chair the resolution
the President to draw orders on the State
ment of the sixty thousand dollars and one
sand dollars, raised and to be raised for the
even hundred and seventy-eight and one
red and seventy-nine, into the Continental
ndment proposed thereto by the House of

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Assembly, and the resolution of that House disagreed to
Council.

The same member also delivered to the Chair the Publ
counts and vouchers, the report of the committee thereo
the Council's amendments thereto, in part agreed to b
House of Assembly.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P

The Council met.

Mr. Patterson now reported the delivery of the several
committed to him according to order.

The Council took into consideration the report of the Co
tee for Public Accounts and such of their amendments the
were disagreed to by the House of Assembly, and, on mot

Resolved, That the Council appoint a committee to confe
a committee of the House of Assembly on the subject ma
the said amendments, and Messrs. Patterson and Clow
named on the part of this House.

The Council took into consideration their amendmen
posed to the resolution of the House of Assembly empo
the Speakers of the two Houses to draw for divers su
money in favor of the members of the Privy Council, &
turned as rejected by the House of Assembly, and adhe
the same, and, on motion,

Resolved, That the Council appoint Messrs. Patterso
Clowes a committee to confer with a committee of the Ho
Assembly on the subject matter of the said amendment
agreed to by the House of Assembly and adhered to b
Council, and thereupon the following message was drawn
the table, and read and agreed to, viz :

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g taken into their consideration those parts
eneral Committee of Accounts to which they
amendments, and since disagreed to by your
wit: the allowance of sixty-one pounds five
sson, for rations, and the allowance of forty
stead of thirty shillings, to John Bullen, as
Whig Battalion of Kent County, do still ad-
d amendments in these two cases, and unless
et made known to them, shall be offered to
pinion, must continue to do so.

also reconsidered their amendment proposed
the 26th ultimo, empowering the Speakers
draw for divers sums of money in favor of
Privy Council, &c., and do also adhere to
willing to inform and be informed of every
subjects of these amendments, do propose a
ittees, to be appointed from each House,
your approbation of this mode, have named
d Clowes on the part of this House, to meet
ay be appointed by you forthwith.

Signed by order of the Council.

, 1779.

r. Polk deliver the same to the House of

the delivery according to order.

into their consideration their resolution em-
ent to draw for the sixty thousand dollars
d fifty thousand dollars, raised and to be
the years seventeen hundred and seventy-
hundred and seventy-nine, and to be paid
Treasury, and the amendments proposed
of Assembly, to insert the words [Speakers
House of Assembly be directed], instead of
t or Commander-in-Chief of this State be
inted], and the amendment being agreed to
ution was transcribed and sent to the House
Clowes, for concurrence.

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Mr. Cook, a member of Assembly, was admitted and del
to the Chair the bill entitled "A supplement to an act e
'An act for keeping in good repair the causey and bridg
the Broadkiln Creek, in Sussex County, and for regulati
toll for passing the same,'" and also the bill to increa
salaries and allowances of the Justices of the Supreme
severally engrossed and signed by the Speaker of the Ho
Assembly, together with a resolution for affixing the Grea
to the said bills.

On motion, by order,

The foregoing bills were severally read, compared, and o
to be signed by the Speaker of the Council; which was do
cordingly.

On motion, by order,

The resolution for affixing the Great Seal to the said bi
read and concurred in.

Ordered, That Mr. Clowes return to the House of Ass
the foregoing bills, respectively signed by the Speaker
Council, and also the resolution for affixing the Great Seal
to, concurred in by the Council.

Mr. Waples, a member of Assembly, was admitted and
ered to the Chair a resolution of that House requesting the
dent to transmit an exemplified copy of the act empoweri
Delegates in Congress to subscribe the Articles of Confede

The same member also delivered to the Chair a resolut
the House of Assembly in favor of the Clothier-General, f
sum of two thousand five hundred pounds, to enable him t
chase a quantity of linen for the Delaware Regiment, with a
lution of that House obliging him to give security for the f
discharge of his duty in office, and to be accountable for th
lic monies which come to his hands.

The same member also delivered to the Chair a resoluti
the House of Assembly directing the Speakers of the two H
to transmit to the commissioners under the act for raisin
hundred and ninety-eight thousand dollars notifications o
appointment, and the following message, viz:

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emen:

e House of Assembly have taken into consideration your ıge, just now delivered, respecting the appointment of rees on the amendments proposed to the report of the nittee of Accounts, &c., and have nominated on their Messrs. Joshua Clayton, West, and Kollock, for that pur-

This House also inform the Council that they intend ly to adjourn, and beg the Council to give what dispatch can to the most urgent business before them."

notion, by order,

preceding resolutions, delivered with the above message, verally read and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., February 3, 1779.

solved, That the President or Commander-in-Chief be and hereby empowered and requested to transmit to the Dele- of this State in Congress an exemplified copy, under the t Seal, of the act of Assembly entitled "An act to author- nd empower the Delegates of the Delaware State to sub- e and ratify the Articles of Confederation and Perpetual n between the several States."

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., February 3, 1779.

HEREAS it is proper that every person who holds any post ace of profit within this State should give security for the ful performance of the duties thereof, and to account for public monies which may by virtue thereof come into his s; therefore

solved, That George Craghead, Esq., Clothier-General of State, be required to give bond, in the name of the Dela- State, with one or more sufficient sureties, in the sum teen thousand pounds, lawful money of this State, on or re the first day of April next, conditioned for the faithful ormance of the duties of the said office, and to render st and true account to the General Assembly of all the ies that may come into his hands by virtue of said office.

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"*Also resolved*, That Samuel Patterson, Esquire, be a
"hereby empowered and requested to take the said bond
"the same before the General Assembly at their next me

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assem*

"IN THE HOUSE OF ASSEMBL
"WEDNESDAY, P. M., February 3,

"WHEREAS it is necessary to provide linen for the D
"Regiment for the present year,

"*Resolved*, That the Speakers of the Council and H
"Assembly do forthwith draw an order on the State T
"in favor of George Craghead, Esq., Clothier-General
"State, for the sum of two thousand five hundred pou
"enable him to purchase a quantity of linen for the
"aforesaid, and the said Clothier-General to be account
"the said sum to the General Assembly.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assem*

"IN THE HOUSE OF ASSEMBLY
"WEDNESDAY, P. M., February 3,

"*Resolved*, That the Speakers of the Council and H
"Assembly transmit to William McClay, of New Castle
"merchant; William Manlove, of Kent County, mercha
"Colonel Caleb Cirwithin, of Sussex County, a notice
"appointment in the act for raising one hundred and
"eight thousand dollars, for the purpose of ascertain
"value of all real property within this State.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assem*

Ordered, That the preceding resolutions, with the conc
of the Council thereto respectively, be returned, by Mr.
to the House of Assembly.

Resolved, That the resolutions of the General Asse
the Articles of Confederation and Perpetual Union betw

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mpshire, Massachusetts Bay, Rhode Island,
York, New Jersey, Pennsylvania, Delaware,
North Carolina, South Carolina, and Geor-
s to the act of ratification, be transcribed and
he same sent to the respective Delegates from
ess forthwith.

he same be sent to the House of Assembly,
e, by Mr. Clowes.

g returned, reported the delivery of the sev-
ed to him, according to order.

rder,

r the payment of cloth, taken and seized by
pe for the use of the Delaware Regiment, was
in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., January 20th, 1779.

e of Accounts, to whom were referred the
s quantities of cloth taken from several fulling
State by Lieutenant Colonel Charles Pope, of
giment, for the clothing of the said regiment,
tate thereof, amounting to eight hundred and
sixteen shillings and four pence half penny,
ng taken into consideration,

the Clothier-General for this State be and he
zed and required to pay into the hands of the
ers of the fulling mills respectively from whom
Pope hath taken cloth for the clothing of the
ch sum or sums of money as may be due for
heir producing accounts therefor duly authen-
the Speakers of both Houses be and they are
ed and directed to draw an order on the State
e sum of eight hundred and fifty pounds in
Clothier-General, to enable him to carry into
olution.

he minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

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Ordered, That Mr. Polk return the same to the Hou
sembly concurred in by the Council.

Mr. Polk reported the delivery thereof according to

The committee of conferees on the subject matter of th
ments proposed to the report of the Committee of P
counts, now delivered their report at the table, which,
was read and agreed to.

Mr. Lockwood, a member of Assembly, was admitte
turned to the Chair the resolution of Council for furni
Delegates in Congress with certified copies of the r
passed previous to the act of ratification, concurred
House of Assembly.

The same member also delivered to the Chair a cer
appointment of Delegates from this State to Congress.

Mr. Craghead, a member of Assembly, was admitte
turned to the Chair the resolution of the Council empow
Speakers of the two Houses to draw orders for the pa
divers sums into the Continental Treasury, concurred
House of Assembly.

The same member also delivered to the Chair the
empowering the Speakers of the two Houses to draw
sums of money in favor of the members of the Privy
with the amendments proposed thereto by the Counci
to by the House of Assembly and made therein; wher
the said resolution was concurred in, and is as follows,

"IN THE HOUSE OF ASSEM
"TUESDAY, P. M., January 26th

"The House of Assembly having resumed the con
"of that part of the report of the committee to whom th
"strance of the Chief Justice of this State and the me
"the Privy Council were referred, which relates to an
"to each of the members of the said Council,

"*Resolved*, That the Speakers of the Council and
"Assembly be empowered and directed to draw on the
"of the Loan Offices of this State, or any of them, fo
"of one hundred pounds in favor of each of the memb

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this State, for his expenses incurred in the duties of his office previous to the passing of eneral Assembly entitled 'An act for regulating the fees of divers civil officers of this State, ses therein mentioned,' on the 26th day of hat the Speakers of both Houses be also em- ected to draw, in like manner, for the sum of nds in favor of James Booth, Secretary of this vices and expenses incurred by his attendance his said office during the time aforesaid.

he minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

rder,

of the appointment of Delegates to Congress mendment was proposed, agreed to, and or- ibed.

Mr. Patterson wait on the House of Assembly ification and transcribed amendment, for their eturn the resolution empowering the Speakers to draw for divers sums of money in favor of e Privy Council, concurred in by the Council.

being returned, reported the delivery of the rding to order.

Mr. Hyatt return to the House of Assembly of Cæsar Rodney, Esq., with their vouchers, thousand two hundred and sixty-six pounds and two pence, and inform them that the nined and allowed the same, and that he de- verbal message, viz :

g leave to remind you that you have not in- our determination upon the two first matters the committee of conferees relative to the al- s to Captain Casson and his officers, and the Bullen for his service as Commissary to the d until this is known these accounts cannot be

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Mr. Hyatt reported the delivery of the above papers
ing to order.

The Council now took into consideration the supple
the embargo act, sent from the House of Assembly, and
that the following verbal message should be sent to that
viz :

Gentlemen :

The Council having under their consideration the sup
to the embargo act, sent from your House, beg to be in
how it hath appeared to your honorable House that
"just cause to fear that unless a prohibition of the exp
of provisions from this State be extended to the States of
land and Virginia many of the inhabitants of this State
fer." As this House have as yet a different sentiment
quantity of provisions to be spared from the State, but
fears above expressed may prove real and great distress e
our constituents, we think it our duty, though thus late
session, to proceed on this bill if from your state of the
shall in any wise appear dangerous to omit it, and at th
time we beg to know why the States of Maryland and
only are excluded, and the States of Pennsylvania and N
sey left open, as it hath and will probably happen that the
tation to Pennsylvania alone will exceed that of all the re

Ordered, That Mr. Hyatt deliver the same to the Ho
Assembly.

Mr. Hyatt, being returned, reported the delivery acco
order.

Mr. Derrickson, a member of Assembly, was admitt
delivered to the Chair the public accounts and vouche
report of the committee thereon, and the Council's amer
thereto, with the report of the joint committee of con
agreed to by the House of Assembly.

The same member also delivered a resolution of the H
Assembly empowering the Speakers of the two Houses
for monies agreed by the General Assembly to be due t
Nathaniel Mitchell and a certain William Arnold, of
County ; and also the certificate of the appointment of D

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amendment proposed thereto by the Coun-
House of Assembly.

er,

rt of the joint committee of conference was
nd is as follows, viz:

ittee of conference report that they have
ptain Casson and officers the sum of sixty-
llings, for their rations.

port that, on examining John Bullen's ac-
pinion he should be allowed the sum of one
y pounds for his services as Commissary to
, and that the balance due from him to the
ounds, on that service.

port that the amendment proposed by the
lution of the House of Assembly respecting
hould be agreed to."

er,

lution empowering the Speakers of the two
vor of Captain Mitchell and William Arnold
in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
'WEDNESDAY, P. M., February 3, 1779.

ne Speakers of the Council and Assembly be
ected to draw upon the State Treasurer for
ndred and seventy-nine pounds six shillings
f-penny, agreed by the General Assembly,
ond day of February, one thousand seven
nty-seven, to be due to Captain Nathaniel
for the sum of one hundred and twelve
pence, agreed by the General Assembly,
to be due to a certain William Arnold, of

minutes.
ence.

JAS. BOOTH,
Cl'k of Assembly."

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On motion, by order, the certificate of the appoin
Delegates was read, concurred in, and is as follows, viz

"IN THE HOUSE OF ASSEMBLY OF THE DELAWARE S
"WEDNESDAY, P. M., February 3, 1

"WHEREAS the Honorable John Dickinson, Nicho
"dyke, and Thomas McKean, Esquires, have been ch
"joint ballot of both Houses in the General Assembly
"resent the Delaware State in the Congress of the Unit
"of America this present year,

"*Resolved*, That they, or any of them, are hereby
"thorized and empowered, for and in behalf of this
"concert, agree to, and execute any measure which
"any two of them, together with a majority of the s
"gress, shall judge necessary for the defence, security
"and welfare of this State in particular, and the Unit
"in general; and generally to exercise, in concert w
"of the United States in Congress assembled, the r
"powers prescribed in the Articles of Confederation
"petual Union of the said States.

"Extract from the minutes. JAS. BOOTH

"Sent for concurrence. *Cl'k of Asse*

Ordered, That Mr. Clowes return the foregoing repo
lution and certificate, with the concurrence of the Counc
respectively, and the public accounts and vouchers, to th
of Assembly.

Mr. Clowes, being returned, reported the delivery of t
according to order.

Adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, February 4, 1779.

t. Present all the members, except Messrs. nd Read.

he Speaker and Mr. Bassett revise and correct House and have the same printed.*

General Assembly of Delaware, by their joint 3d February instant, empowered and directed ne Council and House of Assembly to draw State Treasurer as well for the sixty thousand is State for the proportion demanded by Con- one thousand seven hundred and seventy-eight dred and fifty thousand dollars to be raised in roportion demanded by Congress for the year l and seventy-nine, when the same, or any f, shall come to the hands of the State Trea- ct the payment of the said sums respectively of the United States, there to be placed to the

directed to pay the said sixty thousand dollars sury of the United States forthwith, and also and fifty thousand dollars when the same, or may come to your hands, and have the same t of this State, and the same payments shall be ttlement of your accounts with the committee sembly for that purpose to be appointed.

il allowed the following accounts, brought in eeting, for services rendered the State and ex- ring their attendance on the Council, viz :

French Battell's account, as ad-	
. . . . .	£420 15 9
el Patterson, Esq., his account for ng charges, ...	6 0 0
ver, ...	£426 15 9

t and the note of passage of this and the subsequent reso- original minutes.

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Brought over, ... £

No. 3. To William Polk, Esq., ditto, ...
4. To John Clowes, Esq., ditto, ...
5. To Peter Hyatt, Esq., ditto, ...
6. To William Conwell, Esq., ditto, ...
7. To George Read, Esq., ditto, ...
8. To Benjamin Vining, as Clerk of Council, .
9. To Thomas North, barber, his account, . .
10. To John Bullen, his account for forage, . .
11. To sundries from Mr. Battell, ...

Total,* . . . . . £

Ordered, That the Speaker draw orders on the T
the Loan Offices of Kent and Sussex Counties, in e
portions, for the said sum of five hundred and sixtee
and nine pence, in favor of Mr. French Battell.

Whereupon the said orders were drawn, and the Co
journed till the 17th day of May next, to meet at the
Dover.

* This total is £19 more than the items show, but so it is recorded.

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ES OF COUNCIL.

MAY, 1779.

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AND PROCEEDINGS

OF THE

OF THE DELAWARE STATE.

URNED SESSION, MAY, 1779.

f the Council at the Town of Dover, in the
by adjournment, on Monday, the 17th day of
ni 1779, a sufficient number of the members
se not attending, the Council adjourned from
onday, the 24th day of this instant.

MONDAY, May 24th, 1779.

embers attended in the Council, viz :

County—Peter Hyatt.

ty—The Honorable Thomas Collins, Richard
ng.

unty—William Conwell, William Polk, John

committee of two be appointed to wait on his
esident, and inform him that a sufficient num-

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ber of the members of the Council have met to form a H
are ready to receive any business which he may have
fore them.

The gentlemen chosen: Mr. Bassett and Mr. Conwe

The committee, being returned, reported that they h
on his Excellency, the President, with the above me
cording to order, when he was pleased, in answer, t
he had laid all the business which he had before the G
sembly, by message, which was delivered to the Speal
House of Assembly.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., May 25t

The Council met. Present the same members as on

Mr. Cook, a member of Assembly, was admitted and
to the Chair a message from the President to the Gener
bly, inclosing a letter from the President of Congress
April, and two acts of Congress, the one, of the 23d
regulating the Clothing Department, the other, of the
providing for the pay of the officers employed in it; al
from Mr. Pomeroy, Commissioner for settling all ac
arrearages for clothing for the year 1777, requesting a
the expenditures of this State, and an act of Congress
March to that effect.

The same member also delivered a letter from the
of the State of New Hampshire, inclosing an act of th
Court of that State to prevent the return into that State
persons therein mentioned, &c.

The same member also delivered to the Chair a co
President's Proclamation for suspending part of the
prohibit the exportation of provisions from this State b
seas for a limited time," so far as the same relates to t

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a letter from the President of Congress, in-
hat body for affording relief to the distressed
Island of Bermuda, and a resolution of the
y prohibiting the exportation of Indian Corn
rmuda.

order, the foregoing message, and its inclo-
y read, and the said message follows in these

General Assembly:

t sitting I received a letter from the honora-
t of Congress, with an act of that honorable
ninth day of March last, recommending it to
s to make up and complete their respective
r full complement, by drafts, or in any other
ll think proper, and to have their quotas of
to take the field and to march to such place
er-in-Chief shall direct without delay, &c. As
ower vested in any but the General Assembly
he act on the part of this State, and as this is
nity I have had, I must now, tho' late in the
o lay the letter and act, with a return of the
your Honors for consideration.

will lay before your Honors, with the Presi-
acts of Congress, one of the twenty-third of
ating the Clothing Department, the other, of
providing for the pay of the officers employed
so lay before you a letter from Mr. Pomeroy,
r appointed to settle and pay all accounts of
thing due to the troops of these States for the
undred and seventy-seven, requesting a return
es of this State, and also an act of Congress,
of March, to that effect.

ry I have sent you a letter from his Excellen-
of the State of New Hampshire, inclosing an
al Court of that State 'to prevent the return-
te certain persons therein named, and others
shall leave that State, or either of the United
a, and have joined or shall join the enemies

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"Permit me to inform your Honors that, in virtue of a
"mendation of Congress, I have, with the advice of th
"Council, suspended, by proclamation under the Great
"part of the act 'to prohibit the exportation of provisio
"this State beyond the seas for a limited time,' so far
"same relates to the State of Massachusetts Bay, and no
"you, with a copy of the proclamation above menti
"recommendation of Congress for affording relief to
"tressed inhabitants of Bermuda.

"Gentlemen—I have just received, and beg leave to la
"you for consideration, a letter from the Honorable Joh
"inson, Esquire, one of the Delegates in Congress on t
"of this State, by which you will find Congress have call
"the United States, in addition to the sum required by a
"tion of the second of January last, for their respective
"of five millions of dollars, to be paid into the Continent
"sury before the first day of January next; that the qu
"to be in the same proportion with those of the fifteen
"and that the quota of this State will be four hundred a
"thousand dollars.

"You will receive herewith a remonstrance, signed by
"ber of the officers of the Delaware Regiment, addresse
"House, and just put into my hands to lay before you.

"Dover, May 24th, 1779. CÆSAR RODN

On motion, by order,

The resolution of the House of Assembly prohibiting
portation of Indian corn to the Island of Bermuda was
first time.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

rder, the resolution prohibiting the exporta- to the Island of Bermuda was read the second and thereupon

a committee of two be appointed on the part confer with a committee of the House of As- ject matter of the resolution of Congress for he distressed inhabitants of Bermuda, and the ouse of Assembly founded thereon.

osen: Mr. Clowes and Mr. Bassett.

Mr. Conwell return to the House of Assembly ution of Congress, and the resolution of the thereon, and deliver the following verbal mes- ncil to the House of Assembly, viz:

into consideration your resolution of yester- he exportation of Indian corn from this State ermuda, for the relief of the distressed inhab- g leave to inform your honorable House that, d, they cannot concur with you, and therefore mittee of both Houses be appointed to confer ter of the said resolution, if agreeable to your and do accordingly appoint, on the part of purpose aforesaid, Messrs. John Clowes and o will attend your committee when and where

eing returned, reported the delivery of the ding to order.

nember of Assembly, was admitted and deliv- the answer of the House of Assembly to the ge of the Council, which was read, and is in

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"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., May 25,

"Read the first time, and the House, on their part,
"Messrs. Lea, Ridgely, and Latimer conferees for the
"aforesaid.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assem*

Adjourned till to-morrow morning, 8 o'clock.

WEDNESDAY, A. M., May 26,

The Council met. Present the same members as on yes

Some of the members attending the committee of con
the Council adjourned till three o'clock, P. M.

EODEM DIE,

The Council met.

The committee of conferees on the subject matter of t
lution of the House of Assembly prohibiting the exporta
Indian corn from this State to the Island of Bermuda
relief of the distressed inhabitants there, now made their
which, by order, was read and agreed to.

On motion, by order,

The supplementary bill to the act of pardon was read b
graphs, and sundry amendments were proposed and agre

Ordered, That the same be transcribed and sent, with

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of Assembly for consideration and concurrence,

Ir. Polk, for leave of absence till ten o'clock on same was granted.

o-morrow morning, 8 o'clock.

THURSDAY, A. M., May 27th, 1779.

t. Present the same members as on yesterday,

reported the delivery of the papers committed to the order of yesterday.

ember of Assembly, was admitted and delivered ccounts and vouchers of the Clothier-General, of the Joint Committee for Public Accounts

a committee be appointed to prepare and bring f supplement to an act entitled "An act to pro- ion of provisions from this State beyond the ime."

nosen: Mr. Bassett and Mr. Clowes.

order,

he Joint Committee for Public Accounts on the accounts, was read the first time.

the same was read the second time and agreed s, viz:

mittee appointed for settling and adjusting the report that they have examined the accounts of George Craghead, Esq., Clothier-General nd find a balance due from the said George

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"Craghead to this State of two hundred and fifty-six pou
"shillings and two pence. In the examination of the
"they find that he has charged a commission of five p
"on all his purchases, as also on the sum of two thousa
"hundred and twenty pounds paid to the officers of th
"ware Regiment, voted to them by a resolution of the
"Assembly as a compensation for their former services
"commissions, your committee think, are too large and
"gant for that last mentioned service, and that two an
"per cent. will be a sufficient allowance for paying aw
"sum, and have therefore charged him with the sum
"eight pounds, it being the difference between the five p
"and two and a-half per cent. All which your committ
"mit to the consideration of the House."

Ordered, That Mr. Hyatt return to the House of A
the foregoing accounts and vouchers of the Clothier-
with the report of the Joint Committee of Public Account
on, agreed to by the Council.

Mr. Hyatt reported the delivery thereof according to c

The committee appointed to prepare and bring in a
way of supplement to an act entitled "An act to proh
exportation of provisions from this State beyond the se
limited time," now delivered one at the table.

On motion, by order, the said bill was read the first tin

By special order the same was read the second time.

The same, by order, was read a third time by paragra
will pass.

Ordered, That the same be transcribed and sent to th
of Assembly for their concurrence, by Mr. —.

Adjourned till to-morrow morning, 8 o'clock.

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FRIDAY, A. M., May 28th, 1779.

t. Present the same members as on yesterday,
l.

mber of Assembly, was admitted and presented
ssage from his Excellency, the President, to the
, inclosing a memorial addressed to him by
rray, of the Island of Bermuda, praying leave
r corn.

ber also delivered to the Chair a resolution of
mbly for a draught of twelve thousand dollars
thier-General, with a resolution of that House
vers articles of clothing by the said Clothier-

rder,

message and Capt. Murray's memorial, ac-
me, were severally read, and the said message
viz :

General Assembly :

sage of the 24th instant, I have received, and
lay before you, a letter from the President of
an act of that honorable body calling on the
ive millions of dollars.

will lay before your Honors, for consideration,
of Captain William Murray, of the Island of
ave to exchange salt for corn, and I am to in-
r. Murray wishes to be called before the House
uching his application.

8th, 1779. CÆSAR RODNEY."

rder,

of the House of Assembly for a draught of
llars in favor of the Clothier-General, was read

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By special order the same was read the second t
curred in, and is as follows, viz:

"IN THE HOUSE OF ASSEM
"THURSDAY, P. M., May 27t

"On motion,

"*Resolved*, That the Speakers of both House be e
"and directed to draw upon William McClay, Commi
"the sale of Forfeited Estates in the County of New
"the sum of twelve thousand dollars in favor of Geo
"head, Esq., Clothier-General of this State, to enab
"furnish each officer of the Delaware Regiment with t
"allowed by the General Assembly to the said office
"present year.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Ass*

On motion, by order,

The resolution of the House of Assembly for the sale
articles of clothing by the Clothier-General, was rea
time.

By special order the same was read the second time,
amendments were proposed and agreed to.

Ordered, That the same be transcribed.

Adjourned till 3 o'clock, P. M.

EODEM DIE

The Council met.

Ordered, That Mr. Baning return to the House of
the resolution for a draught of twelve thousand dolla
of the Clothier-General, with the concurrence of th
thereto, and also the resolution for the sale of divers
clothing by the Clothier-General, with a paper of an
proposed thereto by the Council.

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ing returned, reported the delivery of the same
r.

ember of Assembly, was admitted and delivered
act of Congress recommending to the several
e their respective battalions to their full comple-
olution of the House of Assembly for filling up
giment, and the return of said regiment, a re-
the officers of the same regiment, and the reso-
ouse of Assembly for the encouragement of the

order,

resolutions, return and remonstrance were sev-
st time.

a member of Assembly, was admitted and de-
Chair a resolution of the House of Assembly
lothing of the Delaware Regiment, and also
r the sale of divers articles of clothing by the
with the amendments proposed thereto by the
to by the House of Assembly.

order,

resolution respecting the clothing of the Dela-
as read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, P. M., May 28th, 1779.

George Craghead, Esq., Clothier-General, hath
ouse that there are divers quantities of woollen
nging to this State, in the hands of Lieutenant
s Pope, of the Delaware Regiment, and others,

efore, That the said Clothier-General receive
e all the cloths, blankets, and other articles
is hands belonging to this State, and also that
l other persons such clothing or articles thereof
ave in possession belonging to the State, and
towards clothing the Delaware Regiment, first
xact account of each article so obtained, and

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"from whom, to the President of the State, to be laid be
"General Assembly at their next sitting.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assem*

Ordered, That Mr. Read return the foregoing resolutio
House of Assembly, concurred in by the Council.

Adjourned till to-morrow morning, 8 o'clock.

SATURDAY, A. M., May 29th,

The Council met. Present the same members as on ye
and also Mr. Polk.

On motion,

The President's message of the 28th instant, with the m
of William Murray, of the Island of Bermuda, was read a
time and taken into consideration.

Resolved, That it is the opinion of this House that the
of the inhabitants of the said Island of Bermuda ought t
lieved by a speedy supply of provisions from this State, a
power be given to the President, with the advice of th
Council, to grant his license for the same to such person
attachment to the United States is vouched or known, an
bill be prepared and brought in for this purpose.

Whereupon such a bill is laid upon the table.

On motion, ordered that the same be read the first time

By special order the same was read the second time, an
pass.

Ordered, That the said bill be engrossed.

Ordered also, That the said bill engrossed be sent, w
President's message of the 28th instant, and Captain M

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ouse of Assembly, for their consideration and
r. Read.

returned, reported the delivery of the several
o him, according to order.

o'clock, P. M.

EODEM DIE, P. M.

ıember of Assembly, was admitted and deliv-
he bill for the relief of the inhabitants of the
, concurred in by that House and signed by
ı a resolution of the House of Assembly for
Seal to the same.

ered that the said bill be now signed by the
uncil, and that the same pass into a law.

t the Speaker sign the resolution for affixing
ıe said bill, and that the same be delivered to

ıember of Assembly, was admitted and deliv-
the public accounts and vouchers, and the
Committee of Public Accounts, and a resolu-
of Assembly for the advance of three hundred
Learmouth.

order, the said resolution was read the first

onday morning, 10 o'clock.

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MONDAY, May 31s

The Council met. Present all the members as on except Messrs. Clowes, Polk and Conwell.

On motion, by order,

The resolution respecting an advance of monies t Learmouth was read and concurred in, and is as follow

"WHEREAS by Captain Learmouth's enlistment ac "the last campaign, a balance appears due to him, bu "cannot now be settled for want of the vouchers; ther

"*Resolved*, That the President of this State be rec "advance three hundred dollars to the said John Lear "of any public monies in his hands, for which the "mouth is to be accountable to the General Assembly.

"Extract from the minutes. JAS. BOOT

"Sent for concurrence. *Cl'k of Ass*

Ordered, That Mr. Hyatt return the foregoing resolu House of Assembly, concurred in by the Council.

Mr. Hyatt reported the delivery thereof according to

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., June 1s

The Council met. Present the same members as on and also Messrs. Clowes and Conwell.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

member of Assembly, was admitted and de-
ir a bill for the recovery of sundry sums of
xecutrix of Jacob Kollock, deceased, with the
nittee for settling the Loan Office accounts in
hundred and seventy-six.

er also delivered a memorial from Capt. Allen
th April, 1779, addressed to the Congress of
accompanied with an act of Congress, founded
n a letter from the President of Congress to
is State, and a report of the Joint Committee
the same memorial, accounts and vouchers of
ie.

rder,

iemorial of Capt. Allen McLane, and the act
ed thereon, and the report of the Joint Com-
s on the said memorial and accounts, were
l the said report of the Joint Committee of
urred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,

"TUESDAY, A. M., June 1st, 1779.

ee of Accounts, to whom were referred the
otain McLane, &c., made their report, which
greed to by the House, and follows in these

nmittee of Accounts, to whom were referred
Captain McLane and the resolution of Con-
eg leave to report that they have carefully ex-
nts and all the circumstances attending them,
ot. McLane has received the same allowance,
is accounts with the auditors, that the officers
Regiment have, but that Capt. McLane, from
uation, not being under the direction of any
having similar orders for recruiting with the

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"officers belonging to particular States, he was oblige
"sue those of his colonel, whereby he incurred an extr
"expense, amounting to three hundred and nine pou
"teen shillings and four pence, which your commit
"should be allowed him, and be charged by this St
"Continent, agreeable to the aforesaid resolution of
"indorsed on his memorial.

"On motion,

"*Resolved*, That the Speakers of both Houses dra
"State Treasurer for the aforesaid sum of three hu
"nine pounds fourteen shillings and four pence in favo
"Allen McLane.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Ass*

Ordered, That the same be returned to the House
bly, with the concurrence of the Council thereto, tog
Capt. McLane's memorial, accounts and vouchers, an
of Congress indorsed thereon, and the President's lett
Clowes.

Mr. Cook, a member of Assembly, was admitted and
to the Chair an act of Congress, of the 16th Decembe
annexing Captain Allen McLane's company to the
Regiment, and a copy of General Washington's orc
commanding officer of the Delaware Regiment to an
McLane's company to the said regiment, together with
rial from Captain McLane to the General Assembly
leave to be annexed to the Delaware Regiment, and a
of the House of Assembly for that purpose, founded o
memorial.

On motion, by order, the foregoing papers were seve
and the resolution of the House of Assembly for annex
McLane's company to the Delaware Regiment, was
in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBL
"TUESDAY, P. M., June

"A memorial from Captain Allen McLane was pr
"the Chair, and, by order, read the first time, and the

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t Captain Allen McLane, his officers, and the
ed officers and privates of his company, be
battalion or regiment of this State, agreeable
n of Congress of the 16th of December last,
n of his Excellency the Commander-in-Chief
d that they be allowed the same pay, emolu-
ntages with the other officers and men belong-
regiment, and be in all respects considered as
corps.

he minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

Mr. Clowes return the said resolution to the
ly concurred in by the Council, together with
f Congress, General Washington's order, and
memorial.

o-morrow morning, 10 o'clock.

WEDNESDAY, A. M., June 2d, 1779.

. Present the same members as on yesterday.

v reported the delivery of the several papers
according to the order of yesterday.

o'clock, P. M.

EODEM DIE, P. M.

.

a member of Assembly, was admitted and
hair a bill entitled "An act for the better pro-
ishment to the crime of slave and horse steal-
n, and for other purposes."

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On motion, by order, the foregoing bill was read the

On motion, by order,

The resolutions of the House of Assembly for filli
Delaware Regiment were read a second time, and sund
ments were proposed and agreed to.

Ordered, That the same be transcribed and sent, wi
resolutions, to the House of Assembly, for their co
and concurrence, by Mr. Polk.

Who, being returned, reported the delivery thereof
to order.

On motion, by order,

The bill for the recovery of sundry sums of money
executrix of Jacob Kollock, deceased, &c., was rea
time.

On motion, by order,

The resolutions of the House of Assembly for the e
ment of the officers of the Delaware Regiment were
second time and deferred for consideration.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., June 3

The Council met. Present the same members as on

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

et.

member of Assembly, was admitted and de-
air the resolutions for filling up the Delaware
ie amendments proposed thereto by the Council
House of Assembly and made therein.

ber also delivered a bill for the better securing
is State.

ber also delivered a bill to increase the fines and
vil and military officers and the privates of the
or neglect of duty, and to augment the fees of
id other persons, and also the following order
Assembly respecting their adjournment, viz:

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, A. M., June 3d, 1779.

t Mr. Kollock wait on the Council and inform
House intend to adjourn on Saturday next to
of September following.

the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

order,

s for filling up the Delaware Regiment, as
eed to, were read and concurred in, and are as

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, June 3d, 1779.

a return of the present state of the Delaware
same appears to be deficient in numbers; in
to fill up the said regiment

at the President be requested to apply to Gen-

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"eral Washington, or the commanding officer of the r
"aforesaid, forthwith to order three or more officers f
"said regiment into this State upon the recruiting servic

"*Resolved also*, That every officer be allowed one
"dollars for each able-bodied soldier he may enlist to se
"ing the war, and who shall pass muster.

"That an additional bounty of eighty dollars, over an
"the two hundred dollars allowed by Congress, be given
"soldier that may be so enlisted.

"That the President be authorized to appoint one or
"persons within this State to muster such recruits.

"That the Speakers of both Houses be empowered
"an order on the State Treasurer in favor of the Presi
"thirty-six thousand dollars, and that the President, or
"of the same, advance thereout from time to time to the
"respectively appointed to recruit for the said regime
"sum or sums as he shall judge prudent and necessary t
"them to proceed in the said service.

"That the said officers respectively, before they de
"State, when called upon by the President, shall accou
"him for the expenditure of all monies received for the
"aforesaid.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assem*

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, A. M., June 4th, 1779.

. Present the same members as on yesterday.

rder,

better securing elections within this State was

rder,

se the fines and penalties on civil and military
ivates of the Militia, for refusal or neglect of
d the first time.

ave to bring in a bill for the speedy recovery
e same was granted; whereupon a bill for that
n the table.

rder, the said bill was read the first time.

the same was read the second time and will

rder,

better proportioning the punishment to the
horse stealing, &c., was read the second time
some amendments were proposed, agreed to
transcribed.

Mr. Conwell return to the House of Assembly
bill, with the paper of amendments proposed
ncil, and also the resolutions for filling up the
t, with the concurrence of the Council thereto,
at House the bill for the speedy recovery of
eir consideration and concurrence.

o'clock, P. M.

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EODEM DIE,

The Council met.

Mr. Conwell now reported the delivery of the above pa
cording to order.

Mr. Patterson now appeared in the Council.

The Council now took into consideration the resolutio
House of Assembly for the encouragement of the officer
Delaware Regiment, and several amendments, by way
tion to the same, were proposed and agreed to.

Ordered, That Mr. Polk return the said resolutions ar
cribed amendments to the House of Assembly, for their
rence.

Mr. Polk, being returned, reported the delivery the
cording to order.

On motion, by order,

The bill for the recovery of sundry sums of money f
executrix of Jacob Kollock, deceased, was read the seco
and sundry amendments were proposed and agreed to.

Ordered, That Mr. Hyatt return the said bill, with th
cribed amendments thereto, to the House of Assembly
currence, and the copy of the state of the public acc
Sussex County.

Mr. Peery, a member of Assembly, was admitted and d
to the Chair a bill for the introducing economy in the pu
supplies for the Army of the United States.

The same member also delivered to the Chair a resol
the House of Assembly for the appointment of a comm
settle the State Treasurer's accounts.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, A. M., June 5th, 1779.

. Present all the members.

reported the delivery of the several papers
rge, according to the order of yesterday.

rder,

etter securing elections within this State was
e.

ead a third time by paragraphs, and sundry
roposed and agreed to.

Mr. Baning return the said bill to the House
the paper of amendments proposed thereto by
ir consideration and concurrence.

g returned, reported the delivery thereof ac-

ember of Assembly, was admitted and deliv-
bill for raising an additional sum of four hun-
e thousand dollars by a general tax.

er also delivered to the Chair the report of the
d to state an account of expenditures by this
the Continent, with the report of the Joint
unts, and the public accounts and vouchers.

er also delivered to the Chair the resolutions
ent of the officers of the Delaware Regiment,
mendments proposed thereto by the Council,
by the House of Assembly.

rder,

ing an additional sum of four hundred and
d dollars, &c., by a general tax, was read the

rder,

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EODEM DIE,

The Council met.

Mr. Conwell now reported the delivery of the above p
cording to order.

Mr. Patterson now appeared in the Council.

The Council now took into consideration the resolutio
House of Assembly for the encouragement of the office
Delaware Regiment, and several amendments, by way
tion to the same, were proposed and agreed to.

Ordered, That Mr. Polk return the said resolutions a
cribed amendments to the House of Assembly, for thei
rence.

Mr. Polk, being returned, reported the delivery th
cording to order.

On motion, by order,

The bill for the recovery of sundry sums of money
executrix of Jacob Kollock, deceased, was read the sec
and sundry amendments were proposed and agreed to.

Ordered, That Mr. Hyatt return the said bill, with t
cribed amendments thereto, to the House of Assembly
currence, and the copy of the state of the public ac
Sussex County.

Mr. Peery, a member of Assembly, was admitted and
to the Chair a bill for the introducing economy in the pu
supplies for the Army of the United States.

The same member also delivered to the Chair a reso
the House of Assembly for the appointment of a com
settle the State Treasurer's accounts.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, A. M., June 5th, 1779.

Present all the members.

reported the delivery of the several papers
rge, according to the order of yesterday.

der,

etter securing elections within this State was
e.

ead a third time by paragraphs, and sundry
roposed and agreed to.

Ir. Baning return the said bill to the House
he paper of amendments proposed thereto by
ir consideration and concurrence.

g returned, reported the delivery thereof ac-

ember of Assembly, was admitted and deliv-
bill for raising an additional sum of four hun-
e thousand dollars by a general tax.

r also delivered to the Chair the report of the
d to state an account of expenditures by this
the Continent, with the report of the Joint
unts, and the public accounts and vouchers.

er also delivered to the Chair the resolutions
ent of the officers of the Delaware Regiment,
mendments proposed thereto by the Council,
y the House of Assembly.

der,

ng an additional sum of four hundred and
l dollars, &c., by a general tax, was read the

der,

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The bill to increase the fines and penalties on civil a officers, &c., was read the second time.

Mr. Latimer, a member of Assembly, was admitted a ed to the Chair the bill for the speedy recovery of pu with a paper of amendments proposed thereto by the Assembly.

On motion, by order,

The bill for the introducing economy in the purchasi for the Army of the United States was read the first ti

On motion, by order,

The resolution of the House of Assembly for the ap of a committee to settle the accounts of the State Trea read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMB
"FRIDAY, A. M., June 4t

"On motion,

"*Resolved*, That a committee of three be appointe "and adjust the accounts of the State Treasurer, a "report thereof to the General Assembly at their ne "The members appointed, on the part of this Ho "Joshua Clayton and George Latimer, Esquires.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Ass*

And thereupon the Council appoint, on their part, Joh son, of New Castle County, Esquire, to join the said of the House of Assembly for the purpose aforesaid.

On motion, by order,

The report of the committee appointed to state an a expenditures by this State on behalf of the Continent, the first time.

On motion, by order,

The report of the Joint Committee of Public Account the first time.

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reconsidered their amendments to the reso-
e of Assembly for the encouragement of the
aware Regiment, which was disagreed to by
hered to the same.

rder,

into consideration the amendments proposed
ssembly to the bill for the speedy recovery of
ne same being agreed to were made in the bill,

he said bill be engrossed.

'clock, P. M.

EODEM DIE, P. M.

mber of Assembly, was admitted and delivered
ll for the recovery of public monies from the
e Loan Office in Sussex County, and others
e bill for the better proportioning the punish-
of slave and horse stealing and conjuration,
oses; also the supplement to an act entitled
rdon and oblivion"; and also the bill for the
ections within this State, (with the several
osed to the same bills) respectively signed
f the House of Assembly, in order that the
compared and signed by the Speaker of the

er also delivered a resolution of the House of
ng the Great Seal of this State to the foregoing

Mr. Clowes return to the House of Assembly
the encouragement of the officers of the Dela-

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ware Regiment, and the amendments proposed thereto Council, and inform them that the Council still adhere amendment partially disagreed to by the House of Asse

Mr. Clowes reported the delivery thereof according to

Mr. Cook, a member of Assembly, was admitted and c the last-mentioned resolutions, with the amendments p thereto by the Council generally agreed to by the Assem made therein, and the same, as amended, were read a curred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBL
"FRIDAY, A. M., May 28,

"WHEREAS from the advanced prices of the necess "life the officers of the Delaware Regiment, in the servic "United States of America, cannot furnish themselves "same, with their present pay, without injury to their "fortunes; in order therefore to relieve the officers of "regiment from the difficulties aforesaid and enable them "tinue in the service of their country,

"*Resolved*, That the officers of the Delaware Regime "after mentioned, be allowed monthly, except while on f "until otherwise ordered by the General Assembly, as fo "wit: Each field officer, two gallons of rum, six ounce "two pounds of coffee, two pounds of chocolate, and six "of Muscovado sugar; each captain, five quarts of r "ounces of tea, one pound and an half of coffee, on "and an half of chocolate, and five pounds of Musco "gar; each subaltern, four quarts of rum, four ounce "one pound of coffee, one pound of chocolate, and four "of Muscovado sugar; the surgeon, four quarts of ru "ounces of tea, one pound of coffee, one pound of ch "and four pounds of Muscovado sugar; and the surgeon "three quarts of rum, three ounces of tea, one pound o "one pound of chocolate, and three pounds of Muscovad "That the Clothier-General of this State for the time "empowered to purchase such and so many of the articl "said as may be sufficient for a two months' supply and "them to camp with all convenient dispatch, to the "custody of the Paymaster to the Delaware Regiment "time being, to be by him delivered out to the respectiv

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nt by such proportions and in such times as esolution is directed.

ent be empowered and directed to draw his e Treasurer forthwith to pay into the hands er-General the sum of one thousand pounds, nake purchase of the articles aforesaid.

ent be also empowered and directed to draw ne to time thereafter, on the State Treasurer, Clothier-General such sum of money as the dge necessary and sufficient for purchasing a of the articles allowed to the officers of the said, so as the same do not exceed the sum nd four hundred pounds in each quarter, the eral returning from time to time to the Presi- account of the expenditure of the preceding his hands.

Clothier-General obtain from the Paymaster unt of deliveries, attested by the command- regiment, and that the said Clothier-General General Assembly, or a committee thereof, re of all monies so as aforesaid paid into his ry six months at the least.

er-General give bond to the State Treasurer, e Delaware State, with one or more good and in the sum of five thousand pounds, lawful ed for the faithful performance of the duties ired of him.

ration of the services rendered by the officers nt, and to encourage the continuance thereof, ach officer of the said regiment, who by a of Congress shall be entitled to half-pay for years, to commence at the end of the present by this State from and after the expiration of rs for and during the life of every such officer.

cer of the said regiment who shall be entitled e of the half-pay, agreeable to the last reso- ubject to be called into actual service at such gislature, or, in their recess, the Executive

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"power of the State, shall deem necessary; and upo
"lect or refusal of any officer, he having no reasonab
"to be judged of by the General Assembly, the half-
"said of every such officer shall be discontinued from
"of such neglect or refusal.

"That the widow of every officer of the said regi
"hath died in the service aforesaid since the commen
"the present war, or may die during the continuanc
"shall be entitled to and receive, during her widc
"moiety of the pay which such officer was entitled t
"the service.

"Extract from the minutes. JAS. BOOT

"Sent for concurrence. *Cl'k of Ass*

On motion, by order,

The several beforementioned bills, respectively sign
Speaker of the House of Assembly, were read and
and ordered to be signed by the Speaker of the Coun
was accordingly done.

On motion, by order,

The resolution of the House of Assembly for affixing
Seal to the same bills, was read, concurred in, and sig
Speaker.

On motion, by order,

The bill for the speedy recovery of public debts,
grossed, was read and compared, and ordered to be
the Speaker; which was accordingly done.

Ordered, That Mr. Bassett deliver to the House of
the last mentioned bill, with its amendments, in order t
pared and signed by the Speaker of that House, and in
that Council have acceded to their proposed amendm
same bill, and have accordingly engrossed it, with the
of the Council for affixing the Great Seal to the same
that he return to the House of Assembly the several
bills, respectively signed by the Speaker of the Co
their several amendments, and the resolution of the
Assembly for affixing the Great Seal to the said bills

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e for the appointment of a committee to settle
's accounts, and the resolutions for the encour-
ficers of the Delaware Regiment, respectively
e Council.

ng returned, reported the delivery and return
pers according to order.

-morrow morning, 10 o'clock.

SUNDAY, A. M., June 6th, 1779.

Present all the members.

rder,

ing an additional sum of four hundred and
nd dollars for the present year, by a general
ond time.

read a third time by paragraphs, and sundry
proposed and agreed to.

the same be transcribed and sent, with the
House of Assembly for their concurrence, by

ng returned, reported the delivery thereof ac-

o'clock, P. M.

EODEM DIE, P. M.

et. Adjourned till to-morrow morning, eight

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MONDAY, June 7t

The Council met. Present the same members as on except Mr. Bassett.

Mr. —, a member of Assembly, was admitted and d the Chair the bill for raising an additional sum of fou and ninety-five thousand dollars for the present year, eral tax (with its amendments), signed by the Spea House of Assembly, and a resolution of that House f the Great Seal thereto.

On motion, by order,

The foregoing bill was read and compared, and ord signed by the Speaker of the Council; which was a done.

On motion, by order,

The resolution of the House of Assembly for affixing Seal of this State to the foregoing bill was read and co

Ordered, That Mr. Conwell return to the House of the foregoing bill and resolution, respectively sign Speaker of the Council.

Mr. Conwell reported the return of the above pape ing to order.

On motion,

Resolved, That all monies in the hands of the Com for Forfeited Estates within this State be forthwith pa State Treasury, together with their accounts.

Then the Council took into consideration the accou expenses brought in for the service of the State at th meeting and the traveling charges of their members, a lowing accounts were allowed, viz:

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ell, Esq., for his traveling expenses			
Dover, as per account, No. 1, . . .	£ 12	0	0
Esq., for ditto, No. 2, ...	18	0	0
Esq., for ditto, No. 3, ...	6	2	6
son, Esq., for ditto, No. 4, ...	6	0	0
Esq., for ditto, No. 5, ...	6	0	0
	£ 48	2	6
Natt, for attending the General As-			
es, 149 days @ 7*s.* 6*d.*, &c., No. 6,	87	7	6
ng, for his services as Clerk of the			
7, ...	16	2	6
, barber's bill, No. 8, ...	5	10	0
, for the expenses of the Council at			
. 9, ...	540	19	8
	£ 698	2	2
. . . . .	6	0	0
	£ 704	2	2

the Speaker draw an order on the Trustee of
or the County of Kent for the sum of eighty-
en shillings and six pence, in favor of Jonathan
that he draw an order on the State Treasurer
sum of six hundred and sixteen pounds four-
eight pence in favor of French McNatt.*

said orders were immediately drawn and signed

il adjourned until the thirtieth day of Septem-

---

in the manuscript, as appears by the preceding allowance.
of the assembling of the Council on the day to which they

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ES OF COUNCIL.

CTOBER, 1779.

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AND PROCEEDINGS

OF THE

OF THE DELAWARE STATE.

of the Council at the Town of Dover, in the
on Wednesday, the twentieth day of October,
Lord one thousand seven hundred and seventy-
f the members to form an House not attending,
rned from day to day until Friday, the 22d day

FRIDAY, P. M., October 22d, 1779.

nembers attended in the Council, viz :

e County—Samuel Patterson.

ty—John Baning, Richard Bassett.

unty—John Clowes, William Conwell.

ne Sheriff and Inspectors for the County of New
tion of a Councillor to fill the seat of George
h became vacant on the first day of October last
laid on the table, it appears that Richard Cant-
ected a member of the Council for the County
the room of the said George Read, on the first
nstant.

ppeared in the Council.

the Sheriff and Inspectors for the County of

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Kent of the election of a Councillor being laid on the
appears that Thomas Collins, Esq., whose seat becam
on the first day of October last by rotation, was reëlected
ber of the Council for the County of Kent, on the firs
this instant, October.

Mr. Collins appeared in the Council.

The return of the Sheriff and Inspectors for the C
Sussex of the election of a Councillor being laid on the
appears that William Polk, Esq., whose seat became v
the first day of October last by rotation, was reëlected a
of the Council for the County of Sussex, on the first da
instant, October.

Mr. Polk appeared in the Council.

The Council then proceeded to the choice of a Spea
John Clowes, Esq., was elected.

The Speaker being seated in the Chair, Mr. Benjamin
was appointed Clerk of the Council, and Benjamin Cr
pointed Doorkeeper and Sergeant-at-Arms.

Messrs. Cantwell, Collins and Polk, three members c
the last general election, took the oath and subscribed t
ration prescribed by the twenty-second article of the Co
of this State, and then took their seats in the Council. [
on page 10.]

Benjamin Vining appeared in the Council, took the
subscribed the declaration prescribed by the 22d artic
Constitution of this State, and also took the oath of
Clerk of the Council. [*See note on page 11.*]

On motion,

Ordered, That Messrs. Collins and Patterson be a c
to wait on his Excellency, the President, and inform him
Council, having now met, desire to know whether his E
has any business to lay before them.

The committee, being returned, reported that they ha
on his Excellency, the President, with the above mes
cording to order, and that he was pleased, in answer, to

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ch he had to lay before the General Assembly
by his Secretary, to the House of Assembly,
em to the Council.

-morrow morning, 9 o'clock.

SATURDAY, October 23d, 1779.

Present the same members as on yesterday,

nber of Assembly, was admitted and delivered
lution of the House of Assembly for the ap-
nmittee for Public Accounts, which, by order,
me.

the same was read the second time and con-
follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, P. M., October 22d, 1779.

Messrs. Latimer, Lockwood, and Young be
Public Accounts, on the part of this House,
ear, and that Mr. Peery wait on the Council,
his resolution, and propose to them the ap-
ommittee of their body to join with the com-
ouse in the business referred to them, if they

ne minutes. JAS. BOOTH,
rrence *Cl'k of Assembly.*"

Messrs. Baning and Polk be appointed a com-
of the Council, to join with the committee of
mbly for the purpose above mentioned.

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Ordered, That Mr. Patterson return to the House of A
the above resolution, with the concurrence and appoin
the Council thereto.

Mr. Patterson, being returned, reported that he had
the same, according to order, to the House of Assembl

Mr. Waples, a member of Assembly, was admitted a
ered to the Chair "A bill empowering the General Ass
this State to adjourn to, and sit at, any town or place w
same."

On motion, by order, the said bill was read the first t

By special order the same was read the second time
graphs, and sundry amendments were proposed and ag

Ordered, That the said amendments be transcribed
with the said bill, to the House of Assembly, for their c
tion and concurrence, by Mr. Patterson.

Mr. Patterson, being returned, reported the return of
papers according to order.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., October 25th

The Council met. Present the same members as on S
except Mr. Bassett.

Mr. Latimer, a member of Assembly, was admitted a
ered to the Chair a remonstrance from divers inhabitan
County of Kent, complaining of malpractices at the las
election in that county, accompanied with a proposal
House of Assembly that the Council would appoint a c
of their body to join, with a committee of the House of A
in an inquiry into the facts alleged in the said remonstra

On motion, by order, the said remonstrance and prop
severally read the first and second time, and thereupon

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essrs. Polk and Cantwell be a committee, on
cil, to join with the committee of the House
nquiry aforesaid.

r. Conwell return to the House of Assembly
strance, and inform them that the Council
ir proposal of a joint committee to inquire
d in the said remonstrance, and have ap-
art, Messrs. Polk and Cantwell to join the
use of Assembly for the purpose aforesaid.

clock, P. M.

EODEM DIE, P. M.

Some of the members attending on the
cil adjourned till to-morrow morning at 10

TUESDAY, A. M., October 26th, 1779.

Present the same members as on yesterday,

reported the delivery of the paper committed
the order of yesterday.

, a member of the House of Assembly, was
ed to the Chair a paper recommending Ste-
one of the vacant ensigncies in the Delaware
nied with a recommendatory letter from Maj.
the same regiment, to the Assembly of the
favor of the said Stephen McWilliam; and
message from the House of Assembly to the

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"*Gentlemen:*

"The House of Assembly propose to your honora
"that both Houses meet in the Council Chamber at thre
"in the afternoon, to put in nomination persons to be
"for to supply the place of second Justice of the Court
"mon Pleas and Orphans' Court for the County of K
"vacant, and also to supply one of the vacant ensignc
"Delaware Regiment. Dover, Oct. 26, 1779."

On motion, by order,

The foregoing papers were read, and the following an
the Council to the above verbal message of the House
bly was drawn up at the table, and agreed to be sent to t
of Assembly, viz:

Gentlemen:

The Council have received your verbal message, pr
meeting of the two Houses, in the Council Chamber,
o'clock this afternoon, to put in nomination persons t
loted for to supply the place of second Justice of the
Common Pleas and Orphans' Court for the County of K
also to supply one of the vacant ensigncies in the Delaw
ment, and are very willing to meet the honorable Hou
sembly for the above purpose at the time and place pro

Ordered, That Mr. Conwell deliver the same to the
Assembly, and return the papers recommending Step
William for one of the vacant ensigncies in the Delaw
ment.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

orted the delivery of the foregoing papers com-
ding to order.

ssembly then met the Council in the Council
e to appointment, to put in nomination per-
for to supply the place of second Justice of the
Pleas and Orphans' Court for the County of
ne of the vacant ensigncies in the Delaware

Messrs. Patterson, Ridgely, and West be a
on his Excellency, the President, and inform
eral Assembly have now met in the Council
nomination persons to be balloted for to sup-
cond Justice of the Court of Common Pleas
rt for the County of Kent, and request his
nooses to be present at such nomination.

eing returned, report that they had waited at
use and were informed that he was absent, and
deliver the message they had in charge.

sembly then proceeded to the nomination of
ted for to supply the vacancies aforesaid, and
ersons being taken down for the consideration
was resolved that the General Assembly now
in the Council Chamber, at ten o'clock to-
to ballot for the person aforesaid out of the
nomination. Then the two Houses separated.

ember of Assembly, was admitted and deliv-
he bill empowering the General Assembly of
n to, and sit at, any town or place within the
e Speaker of the House of Assembly, together
l and its amendments.

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On motion, by order, the said bill was read, compa
ordered to be signed by the Speaker of the Council ; w
accordingly done.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., October 27th

The Council met. Present the same members as on y

Ordered, That the bill empowering the General Ass
this State to adjourn to, and sit at, any town or place w
same, be returned by Mr. Polk to the House of Assembl
by the Speaker of the Council.

Mr. Polk reported the return of the above bill acc
order.

The House of Assembly now met the Council in th
Chamber, agreeable to the order of yesterday, for the p
balloting for persons to supply the place of second Just
Court of Common Pleas and Orphans' Court for the C
Kent, and to fill one of the vacant ensigncies in the
Regiment.

The General Assembly then proceeded to ballot for
to fill the latter vacancy, and upon examining the ball
peared that Stephen McWilliam was declared duly el
of the ensigns in the Delaware Regiment.

On motion,

Ordered by both Houses, That Messrs. Patterson,
and Peery be a committee to wait on his Excellency,
sident, and acquaint him that the General Assembly h
in the Council Chamber, to elect a person to supply
of second Justice of the Court of Common Pleas and
Court for the County of Kent, and request his attendanc
election, if he thinks proper.

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eing returned, reported that they had waited
nd delivered the message committed to them,
nd that he was pleased, in answer, to say that
ly attend the General Assembly.

tended, and proceeded with the General As-
a person to supply the place of second Jus-
Common Pleas and Orphans' Court for the
d upon examining the ballots it appeared that
Esquire, was declared to be duly elected.

ne General Assembly now separate.

nt and the House of Assembly withdrew, and
ed till three o'clock, P. M.

EODEM DIE, P. M.

ember of Assembly, was admitted and deliv-
ne bill empowering the General Assembly of
n to, and sit at, any town or place within the
tion of the House of Assembly for affixing the
tate to the said bill.

er also delivered to the Chair a message from
sing an act of Congress recommending Thurs-
of December next, to be observed as a day of
g, with a resolution of the House of Assembly
act of Congress.

morrow morning at 10 o'clock.

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THURSDAY, A. M., October 28th

The Council met. Present the same members as on y

On motion, by order,

The resolution of the House of Assembly for affixing Seal to the bill empowering the General Assembly of to adjourn to, and sit at, any town or place within the s read, concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBL
"WEDNESDAY, P. M., October 27th

"On motion,

"*Resolved*, That the President and Commander-in-C "the Great Seal of the State to the following law, to "act empowering the General Assembly of this State t "to, and sit at, any town or place within the same.'

"Extract from the minutes. JAS. BOOTH

"Sent for concurrence. *Cl'k of Asse*

On motion, by order,

The President's message, and the act of Congress th ferred to, were severally read, and the said message is a to wit :

"*Gentlemen of the General Assembly :*

"I have just received, by express, an act of Congr "the 20th instant, recommending to the several S "Thursday, the ninth day of December next, be ap "day of public Thanksgiving, which act I have or "Secretary to lay before your Honors.

"Dover, October 27, 1779. CÆSAR ROD

On motion, by order,

The resolution of the House of Assembly, founded or

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ress, was read and concurred in, and is in these

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., October 27, 1779.

esumed the consideration of the act of Con-
nding Thursday, the ninth day of December
erved as a day of public Thanksgiving; and

at Thursday, the ninth day of December next,
oy appointed to be observed throughout this
f public and solemn Thanksgiving to Almighty
rcies, and of prayer for the continuance of His
ection to these United States, and for the other
e said act recommended; and that his Excel-
dent of this State, be requested, by his procla-
ish the same accordingly throughout the same,
twentieth day of November next.

the minutes. JAS. BOOTH,
urrence. *Cl'k of Assembly.*"

Mr. Conwell return to the House of Assembly
empowering the General Assembly to adjourn
town or place within the State, with the reso-
the Great Seal thereto, respectively signed by
ne Council, and also the President's message,
ess therein referred to, and the resolution of
sembly founded thereon, concurred in by the

oorted the delivery of the above papers accord-

3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair the remonstrance complaining of malpractices at the last general election for Kent County, together with the lists of persons who voted at the said election, &c.

Mr. Young, a member of Assembly, was admitted and delivered to the Chair the papers recommending Stephen McWilliam for one of the ensigncies in the Delaware Regiment, together with an order from the House of Assembly for making out and delivering a copy of the appointment of the said Stephen McWilliam to the President, to be by him transmitted to the Board of War, in order that a commission may issue to the said Stephen McWilliam.

On motion, by order, the above mentioned order of the House of Assembly was read the first time.

By special order the same was read the second time, and some amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent, with the above papers accompanying the said order, to the House of Assembly, by Mr. Cantwell.

The committee of the Council appointed to join with a committee of the House of Assembly in making an inquiry into the facts alleged in a remonstrance, addressed to the House of Assembly, complaining of undue practices at the last general election in Kent County, now delivered their report at the table, which, by order, was read.

Mr. Stidham, a member of Assembly, was admitted and delivered to the Chair a petition from divers inhabitants of the County of New Castle, praying that measures may be taken to prevent engrossing and forestalling, and for an amendment to the Militia law.

The Council took into consideration the report of their joint

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ng the making an inquiry into the facts alleged
, addressed to the House of Assembly, com-
practices at the last general election in Kent
upon the same was rejected ; and

he Council, for the dispatch of public business,
red in the proposal of the House of Assembly
mmittee, to join with a committee of their hon-
the subject matter of the said remonstrance,
louse of Assembly, without having given that
irection of the said remonstrance that might

That a message be drawn up at the table and
of Assembly, signifying the impropriety of the
ken up the said business.

e accordingly ; and the same, being read and
lows, to wit :

r the dispatch of business and in compliance
did, on the twenty-fifth inst., appoint Messrs.
a committee, to join with a committee of your
in an inquiry into the facts alleged in the re-
ed particularly to your honorable House) com-
practices at the last general election in Kent
uncil, by the fifth section of the Constitution,
qualification and election of their own mem-
e members of the House of Assembly ; and as
address themselves particularly to your honor-
ouncil cannot think themselves bound thereby
ection of their members.

of Council.

28, 1779. JOHN CLOWES, *Speaker.*

Ir. Polk, for the yeas and nays on the question
message should be approved of by the Council
follows, viz :

Ir. Collins, Mr. Patterson, Mr. Cantwell, Mr.
g.

Ir. Polk, Mr. Conwell.

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Carried in the affirmative ; and thereupon

Ordered, That the said message be transcribed and s
gether with the said remonstrance and papers relative th
the House of Assembly, by Mr. Patterson.

Who, being returned, reported the delivery thereof a
to order.

On motion, by order,

The petition against forestalling and engrossing, &c., w
the first time.

Adjourned till to-morrow morning at 9 o'clock.

FRIDAY, A. M., October 29th,

The Council met. Present the same members as on ye

Mr. Cantwell now reported the delivery of the pape
mitted to him, according to the order of yesterday.

On motion, by order,

The petition against engrossing and forestalling, &c., w
the second time and postponed for further consideration.

Adjourned till 3 o'clock, P. M.

EODEM DIE,

The Council met.

Mr. Bassett appeared in the Council.

Mr. Latimer, a member of Assembly, was admitted a
ered to the Chair the order for transmitting a copy of the
ment of Stephen McWilliam to fill one of the vacant e

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egiment to the Board of War, &c., with the sed thereto by the Council acceded to by the y, which was read, concurred in, and is as fol-

OF ASSEMBLY OF THE DELAWARE STATE,

"FRIDAY, P. M., October 29, 1779.

a copy of the appointment of Stephen Mc- ne of the vacant ensigncies in the Delaware de out and delivered to the President, and that e requested to transmit the same to the Board that a commission may issue to the said Ste-, to bear date the twenty-seventh day of this

he same, with its amendments, be returned to mbly, with the concurrence of Council thereto,

rned, reported the delivery thereof according

-morrow morning, 10 o'clock.

SATURDAY, A. M., October 30th, 1779.

. Present the same members as on yesterday.

o'clock, P. M.

EODEM DIE, P. M.

member of Assembly, was admitted and pre- r an answer from the House of Assembly to Council of the 28th instant.

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Carried in the affirmative ; and thereupon

Ordered, That the said message be transcribed and s
gether with the said remonstrance and papers relative th
the House of Assembly, by Mr. Patterson.

Who, being returned, reported the delivery thereof ac
to order.

On motion, by order,

The petition against forestalling and engrossing, &c., w
the first time.

Adjourned till to-morrow morning at 9 o'clock.

FRIDAY, A. M., October 29th,

The Council met. Present the same members as on ye

Mr. Cantwell now reported the delivery of the pape
mitted to him, according to the order of yesterday.

On motion, by order,

The petition against engrossing and forestalling, &c., w
the second time and postponed for further consideration.

Adjourned till 3 o'clock, P. M.

EODEM DIE,

The Council met.

Mr. Bassett appeared in the Council.

Mr. Latimer, a member of Assembly, was admitted an
ered to the Chair the order for transmitting a copy of the a
ment of Stephen McWilliam to fill one of the vacant en

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ed thereto by the Council acceded to by the
, which was read, concurred in, and is as fol-

OF ASSEMBLY OF THE DELAWARE STATE,

"FRIDAY, P. M., October 29, 1779.

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e of the vacant ensigncies in the Delaware
e out and delivered to the President, and that
requested to transmit the same to the Board
that a commission may issue to the said Ste-
to bear date the twenty-seventh day of this

e same, with its amendments, be returned to
bly, with the concurrence of Council thereto,

ned, reported the delivery thereof according

morrow morning, 10 o'clock.

SATURDAY, A. M., October 30th, 1779.

Present the same members as on yesterday.

'clock, P. M.

EODEM DIE, P. M.

nember of Assembly, was admitted and pre-
an answer from the House of Assembly to
Council of the 28th instant.

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The same member also delivered to the Chair a reso
the House of Assembly for the payment of the expens
General Assembly, and also a resolution of that House r
the adjournment of the General Assembly to the Town
mington.

On motion, by order, the answer from the House of A
to the Council's message of the 28th inst. was read the f

On motion, by order,

The resolution for the payment of the expenses of the
Assembly was read the first time.

By special order the same was read the second ti
curred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMB
"SATURDAY, October 30

"WHEREAS the act of the General Assembly of th
"passed at Dover the twenty-sixth day of June, one
"seven hundred and seventy-eight, making provision fo
"ing the reasonable expenses incurred by the General A
"of this State, and also the Clerk of each House thereo
"the sessions of the same, and in coming thereto and goi
"from, is now expired; and whereas the present increas
"of the necessaries of life will render the payment of th
"ses incurred by the General Assembly at their present
"very burthensome to the members thereof, if they a
"defray the same out of their private fortunes, and also
"unreasonable, unjust, and contrary to the equitable o
"the good people of this State; therefore

"*Resolved*, That the Speakers of the Council and H
"Assembly of this State respectively be and they ar
"empowered to draw their respective orders on the Tr
"the Loan Offices of this State, or the State Treasure
"expenses incurred by each House at the present sess
"the same shall be allowed on settlement of said Tru
"Treasurer's accounts in the General Assembly, or th
"mittee for that purpose to be appointed.

"Extract from the minutes. JAS. BOOTH
"Sent for concurrence. *Cl'k of Asse*

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order,

f the House of Assembly for the adjournment sembly to the Town of Wilmington was read

the same was read the second time, concurred s, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., October 30, 1779.

t the General Assembly of this State will meet Wilmington, in New Castle County, on the day esent sessions may be adjourned, and there sit ublic business.

he minutes. JAS. BOOTH,
rrence. *Cl'k of Assembly.*"

Ir. Bassett, for the yeas and nays on the ques- urring in the above resolution, they are as fol-

tive—Mr. Patterson, Mr. Cantwell, Mr. Con-

—Mr. Bassett, Mr. Collins.

ffirmative.

Mr. Bassett for leave of absence, the same was

order, the answer from the House of Assembly essage of the 28th instant was read the second ows, viz:

your message of the 28th instant, setting forth , for the dispatch of business and in compliance t of the House of Assembly, did, on the 25th Messrs. Polk and Cantwell a committee to join, e of this House, in an inquiry into the facts al-

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"leged in the remonstrance complaining of undue p
"the last general election in Kent County, by not sta
"steps taken by the two Houses previous to the appo
"your members as above mentioned, impliedly, at lea
"some degree of censure on this House, for it must
"stood from your said message that the remonstrance
"tion to be directed particularly to the House of Ass
"not delivered to your honorable House with the pr
"request, as you are pleased to term it), but some tim
"appointment aforesaid had taken place, the contrar
"you well know to be the fact. Your acquaintanc
"title or address, as well as the contents of said rem
"might have furnished your House, in the first inst
"the reasons you appear at last to act upon.

"In answer to the other part of your message this
"only add, that they do not presume to dispute you
"right, under the section of the Constitution pointed
"message, to judge of the qualification and election of
"members, and to determine what obligations you ar
"scrutinize the election of such members; but we wou
"that every report to a House of Representatives o
"considered and determined on, yet you certainly m
"mine how binding that obligation is on your body.

"Signed by order of the House of Assembly.

"SIMON KOLLOCK,

"Dover, October 30, 1779."

And thereupon the following verbal message from t
to the House of Assembly was sent to the House of
viz:

Gentlemen:

The Council are well disposed to give all the dispa
public business in their power, and are sorry they find
constrained, from the message just now received, to s
is their duty in future to be more particular with resp
transacting business proposed by your House. The
not conceive they have time presently to give your str
sage of this afternoon an answer, but flatter themselves

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a manner satisfactory not only to themselves
uents.

the said message and the two last preceding
vered to the House of Assembly, by Mr. Cant-
currence of the Council to the said resolutions

orted the delivery thereof according to order.

nember of Assembly, was admitted and deliv-
resolution of the House of Assembly empow-
of the two Houses to draw their order on the
favor of George Craghead, Esquire, for two
and also the resolutions of that House for con-
go.

order, the foregoing resolution empowering
e two Houses to draw their order on the State
of George Craghead, Esquire, &c., was read

the same was read the second time, concurred
s, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, October 30, 1779.

t the Speakers of the Council and House of
d they are hereby empowered to draw their
tate Treasurer in favor of George Craghead,
r-General of this State, for two thousand dol-
he said George Craghead is to be accountable
ssembly.

he minutes. JAS. BOOTH,
rrence. *Cl'k of Assembly.*"

order,

of the House of Assembly for continuing the
e read the first time.

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By special order, the same were read the second t
curred in, and are as follows, viz :

"IN THE HOUSE OF ASSEMBLY, October 3

"WHEREAS an embargo, prohibiting the exportation
"rye, flour, Indian corn, bread, beef, bacon, live stoc
"other provisions, hath been laid and continued fro
"time within this State ; and whereas Congress have
"that the same may be still further continued ; therefo

"*Resolved*, That his Excellency, the President, be
"to issue his proclamation continuing the same until th
"of December next, strictly prohibiting the carrying
"State live stock or pork, except for the use of the
"army.

"*Resolved also*, That the President be authorized an
"ered to grant such permission to persons living within
"to export so much grain or flour, in bottoms belong
"inhabitants of the same, as to him may seem expe
"vided satisfactory security be given to him that the
"permitted to load and carry away as aforesaid do
"sell the cargoes by them imported to retailers and
"within this State.

"Extract from the minutes. JAS. BOOT

"Sent for concurrence. *Cl'k of Ass*

Ordered, That Mr. Conwell return the two last resolu
the concurrence of the Council thereto respectively, to
of Assembly.

Mr. Conwell, being returned, reported the delivery t
cording to order.

Then the following accounts, brought in for the ex
the Council and their Clerk during their present sess
allowed, viz :

To Samuel Patterson, Esq., as per account, No. 1, . £
To Richard Cantwell, Esq., " " No. 2, .
To William Conwell, Esq., " " No. 3, .

Carried over, ... £

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over, ...	£	36	10 0
, Esq., as per account, No. 4, . .		8	5 0
Esq., " " No. 5, . .		12	0 0
Esq., " " No. 6, . .		10	10 0
ing, as Clerk of the Council, No. 7,		82	10 0
h, as per account, No. 8, ...		15	15 0
l, " " No. 9, ...		1317	8 0
	£	1482	18 0

the Speaker draw an order on the State Treaid sum of £1482 : 18 : 0, in favor of French

e said order was immediately drawn and signed

ncil adjourned until Monday, the 29th day of at the Town of Wilmington.

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ES OF COUNCIL.

CEMBER, 1779.

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AND PROCEEDINGS

OF THE

OF THE DELAWARE STATE.

ED SESSION, NOV.—DEC., 1779.

ILMINGTON, MONDAY, November 29, 1779.

f the Council at the Town of Wilmington, in y, on Monday, the 29th day of November, in ord one thousand seven hundred and seventy- nent, a sufficient number of the members to attending, the Council adjourned from day to , the fourth day of December, 1779.

SATURDAY, A. M., December 4th, 1779.

t. Present the following members, viz :

County—Samuel Patterson, Peter Hyatt, Rich-

y—Richard Bassett, John Baning.

unty—The Honorable John Clowes, William

w took into consideration the answer from the ly, of the 30th of October, to a message from

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the Council of the 28th of the same month, and a n
answer thereto was drawn up at the table, and, by c
Deferred for further consideration.

Adjourned till Monday morning, 10 o'clock.

MONDAY, December 6t

The Council met. Present the same members as on
except Mr. Bassett.

Ordered, That the minutes of this meeting be read.

Which was accordingly done; and thereupon

Resolved, That this Council will meet punctually at
in the morning and sit till one o'clock; that they will
at three o'clock in the afternoon and sit not longer than
in the evening.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., December 7

The Council met. Present the same members as on
and also Messrs. Polk and Collins.

Messrs. Polk and Collins, in their respective places,
excuses for their non-attendance at an earlier date in t
which were admitted.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

ember of Assembly, was admitted and pre-
message from the President to the General
sundry acts of Congress, therein referred to,
e committee of the House of Assembly to
ge and papers were referred.

ler,

nessage, and its inclosures, were severally
essage is in these words, viz:

General Assembly:

tting of the Legislature I have received the
ongress, which merit your attention, to wit:
nth of June last, one recommending to the
drivers of waggons from Militia duties while
er for ascertaining their wages; two of the
y, one for regulating the Hide Department,
better preservation of buildings and other
g to the United States; one of the seven-
on the subject of further provisions for the
twenty-first of the same month, on the sub-
; one of the twenty-fifth of the same month,
on the inland trade between the States; and
th of September, for providing clothing for
kewise, a circular letter from the President
l the ninth instant, inclosing divers acts of
th and seventh, for supplying the Continen-
of which I have directed the Secretary to
nors, for your perusal and consideration.

nform the General Assembly that since the
aw for laying an embargo, I have, with the
y Council and at the request of Congress,
me to time, the prohibition contained in the
order therein may be taken by the Legisla-
leem expedient.

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"Its being acknowledged that a well-regulated Mi
"posed of the substantial inhabitants, is the best sec
"free State, and the inattention to the discharge of M
"by great numbers of the subjects of this State, indu
"recommend to your Honors' consideration such an
"to the Militia law as may tend to answer the good pu
"tended by the act.

"Gentlemen—The provision heretofore made for th
"exercise of civil government, from the present deprec
"of our currency, is so inadequate to the services enjoi
"that I fear, from the information given me by the Ch
"a general neglect of duty will take place, unless son
"provision is made. I am therefore induced to rec
"matter so necessary to the safety and well-being o
"to your Honors' serious consideration.

"Dover, October 22d, 1779. CÆSAR ROD

On motion, by order,

The report of the committee of the House of Assem
above message and its inclosures, was read the first tin

On motion, by order,

The several reports of the Joint Committee of Public
of the 29th May and 5th June, 1779, were read the se
and divers amendments were proposed and agreed to.

Ordered, That the said reports, and the public acc
vouchers whereon the said reports were founded, with
cribed amendments proposed thereto by the Council, b
Mr. Conwell, to the House of Assembly.

Mr. Conwell reported the delivery thereof accordin

Adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, A. M., December 8th, 1779.

et. Present the same members as on yesterday.

order,

the committee appointed to state an account of this State on behalf of the Continent, was read examined and agreed to.

the same be signed by the Speaker and sent to embly by Mr. Baning.

turned, reported the delivery thereof.

order,

s message of the 22d October last, and its in- ad a second time, and the report of the com- use of Assembly thereon was also read a second o.

Mr. Polk return the above message and its in- the act of Congress of the 19th November last gulation of prices) and the last mentioned report, Assembly, with the concurrence of the Council t.

g returned, reported the delivery thereof accord-

mber of Assembly, was admitted and delivered Bill to prevent forestalling and engrossing, and s therein mentioned."

order,

vent forestalling and engrossing, &c., was read

3 o'clock, P. M.

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EODEM DIE,

The Council met.

By special order, the bill to prevent forestalling and
ing, &c., was read the second time and referred to the
and Messrs. Collins and Patterson, to report thereon.

Mr. Latimer, a member of Assembly, was admitted a
ered to the Chair a resolution of that House for the app
of a committee to settle and adjust the State Treasurer's
which, by order, was read and concurred in, and is as fol

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., December 8, 1

"On motion,

"*Resolved*, That a committee of three be appointed
"and adjust the accounts of the State Treasurer, a
"their report forthwith. The members appointed on th
"this House are Mr. Vandyke and Mr. Barratt.

"Extract from the minutes. JAS. BOOTH
"Sent for concurrence. *Cl'k of Asse*

And thereupon the Council appoint, on their part, M
to join with the said committee of the House of Assemb
above purpose.

Ordered, That Mr. Conwell return the foregoing re
with the concurrence and appointment of the Council
to the House of Assembly.

Mr. Conwell reported the delivery thereof according

On motion of Mr. Polk, for leave to bring in a bill
of supplement to an act entitled "An act for the more
speedy recovery of small debts," the same was grante
bill for that purpose being laid on the table, was, by or
the first time.

Adjourned till Friday morning, 10 o'clock.

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FRIDAY, A. M., December 10th, 1779.

et. Present all the members, except Messrs. nd Paterson.

to whom the bill to prevent forestalling and en- re referred, now reported sundry amendments h, by order, were read and agreed to.

the same be transcribed and sent, with the said of Assembly for concurrence, by Mr. Conwell.

o'clock, P. M.

EODEM DIE, P. M.

t.

w reported the delivery of the papers committed to order.

order,

y of supplement to an act entitled "An act for l speedy recovery of small debts," was read the greed to.

Mr. Polk wait on the House of Assembly with

ed the delivery thereof according to order.

member of Assembly, was admitted and deliv- "A bill for the introducing economy in the pur- or the Army of the United States of America," was read the first time.

o-morrow morning at 10 o'clock.

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SATURDAY, A. M., December 1

The Council met. Present the same members as o
and also Mr. Bassett.

On motion, by order,

The bill for the introducing economy in the purchas
for the army, &c., was read the second time and
Messrs. Bassett, Collins and Polk, to report thereon.

On motion of Mr. Hyatt, for leave of absence till M
noon next, the same was granted to him.

Mr. Adams, a member of Assembly, was admitte
ered to the Chair the bill to prevent forestalling and
&c., with the amendments proposed thereto by the C
tially disagreed to by the House of Assembly, and
ment proposed by that House to the same bill.

Adjourned till 3 o'clock, P. M.

EODEM D

The Council met.

The committee to whom the bill for introducing
the purchasing supplies for the army, &c., was referr
ported divers amendments to the same, which, by
read and agreed to.

Ordered, That the said amendments be transcribe
with the said bill, to the House of Assembly for conc
Mr. Polk.

Who, being returned, reported the delivery theree
to order.

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v took into consideration such of their amend-
prevent forestalling and engrossing, &c., as
by the House of Assembly, and rescinded their
and proposed some amendments to the addi-
proposed by the House of Assembly.

rk, a member of Assembly, was admitted and
or the introducing economy in the purchasing
army, &c., with the amendments proposed
uncil disagreed to in the whole by the House

Monday morning at 10 o'clock.

MONDAY, A. M., December 13th, 1779.

t. Present all the members, except Messrs.
and Hyatt.

x into consideration the amendments proposed
ll for introducing economy in the purchasing
rmy, &c., and disagreed to by the House of
er some time spent thereon receded from the

he foregoing bill, and the bill to prevent fore-
ssing, &c., with their respective amendments,
Ir. Cantwell, to the House of Assembly, with
age from the Council to the House of Assem-

nceive the bills to prevent forestalling and
or other purposes therein mentioned, and for
my in the purchasing supplies for the Army
es of America, to be very useful and important
d do not view the amendments proposed by
by you of such consequence as to delay the
therefore, rather than they should be delayed,

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the Council recede from their proposed amendments, but farthe beg leave to observe, that with respect to their last amendmen proposed to the bill for introducing economy in the purchasin supplies, &c., they are still strongly impressed with an idea o the propriety and usefulness of the said amendment; for that appears to them that one great design of the said bill is that th officers under it should not make use of the public money fo their own private emolument or advantage, and that the solem oath of the party to that purpose they consider a stronger tie, an more likely to prevent a breach of the law in that instance tha any other thing. The Council would therefore wish your hon orable House would reconsider the said amendment, and, if should appear in the same point of view to you as it does t them, make no doubt but you will readily accede to the same.

Signed by order of the Council,

JOHN CLOWES, *Speaker.*

Wilmington, December 13, 1779.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Cantwell now reported the delivery of the papers commit ted to him according to order.

Messrs. Patterson and Hyatt appeared in the Council.

Adjourned till to-morrow morning at 10 o'clock.

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TUESDAY, December 14th, 1779.

t. Present all the members, except Mr. Baning.

Mr. Bassett, for leave to bring in a bill, by way
an act for making perpetual a former act enti-
the amending the laws relating to testamentary
e better settling intestates' estates, &c.," the
, and a supplement for this purpose being laid
by order, read the first time.

ember of Assembly, was admitted and returned
supplementary bill to the act for the more easy
ery of small debts, with divers amendments pro-
the House of Assembly.

ber also presented to the Chair an address from
e Delaware Regiment, and two addresses from
ral, of the 11th and 14th instant, with a resolu-
e of Assembly for the payment of fifteen thou-
he Clothier-General, to be by him applied in
othing allowed to the officers of the Delaware

William McKennan, a lieutenant in the Dela-
was also presented to the Chair by the same
resolution of the House of Assembly for the
-two pounds eleven shillings and three pence,
s said account.

ber also delivered to the Chair the following
House of Assembly, viz:

f Assembly have appointed Messrs. Stidham,
ngs to view and report the situation and condi-
acks and works at the fort on Christiana Creek,
you the appointment of a committee of your
em in that business, if your honorable House
necessary."

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On motion, the supplementary bill to the act for t
easy and speedy recovery of small debts, and the am
proposed thereto by the House of Assembly, were read
time.

On motion, by order, the address of the officers of t
ware Regiment was read.

On motion, by order,

The several addresses of the Clothier-General of th
containing an estimate of the monies necessary to carry
cution the resolves of the General Assembly for clothin
officers of the Delaware Regiment, and the resolutio
House of Assembly, for the payment of fifteen thousan
to the Clothier-General, founded thereon, were read
time.

By special order the said resolution was read the sec
and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBL

"A. M., December 14th

"*Resolved*, That an order be drawn by the Speaker
"Houses on the State Treasurer, for the sum of fifteen
"pounds, in favor of George Craghead, Esq., Clothie
"of this State, to be by him applied in completing the
"allowed to the officers of the Delaware Regiment, and
"plus thereof, if any, in procuring the monthly supplie
"to the said officers, in addition to the fourteen hundre
"quarterly heretofore granted by the General Assembl
"nishing the said supplies ; the said George Craghead
"countable for the expenditure of the said sum.

"Extract from the minutes. JAS. BOOTH

"Sent for concurrence. *Cl'k of Asse*

On motion, by order,

The account of William McKennan was read, consid
allowed, and the resolution of the House of Assembl
payment of the same was also read the first time.

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the same was read the second time and con-
these words, viz :

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., December 14, 1779.

William McKennan, a lieutenant in the Dela-
was presented to the Chair, and, by order,

t the Speakers of both Houses draw an order
asurer, for the sum of sixty-two pounds eleven
ee pence, in favor of Lieutenant McKennan, in
said account.

he minutes. JAS. BOOTH,
rrence. *Cl'k of Assembly.*"

he foregoing, account, the several before-men-
f the officers of the Delaware Regiment, and
eneral, and the resolutions founded thereon,
ce of the Council thereto, be returned, by Mr.
e of Assembly, with the following verbal mes-
ncil, viz :

ve agreed to your proposal of appointing a
your committee, to view and report the situ-
n of the barracks and works at the fort on
and thereupon

Messrs. Peter Hyatt and William Conwell be a
your committee, for the purpose aforesaid.

d the delivery of the papers committed to him

-morrow morning at 10 o'clock.

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WEDNESDAY, A. M., December 15

The Council met. Present the same members as on

The Council now took into consideration the a proposed by the House of Assembly to the supplen for the more easy and speedy recovery of small agreed thereto.

Ordered, That the said bill and its amendments be House of Assembly by Mr. Collins.

Who, being returned, reported the delivery thereo to order.

On motion, by order,

The supplementary bill for making perpetual a form tled "An act for the amending the laws relating to te affairs, &c.," was read the second time.

By special order the same was read a third time by debated, and agreed to.

Ordered, That the same be transcribed and sent to of Assembly by Mr. Bassett.

The supplementary bill for the more easy and speed of small debts was returned by the Clerk of the Ho sembly. *Ordered* to be engrossed.

Adjourned till 3 o'clock, P. M.

EODEM DI

The Council met.

Mr. Baning appeared in the Council and took his s

Mr. Bassett now reported the delivery of the papers to him, according to order.

Adjourned till to-morrow morning at 10 o'clock.

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THURSDAY, A. M., December 16, 1779.

t. Present all the members.

order,

to an act entitled "An act for the more easy ry of small debts," being engrossed, was read

Mr. Bassett for leave of absence until Monday s granted to him.

o'clock, P. M.

EODEM DIE, P. M.

t.

nember of Assembly, was admitted and deliv- the report of the joint committee of June 5th, endments proposed thereto by the Council, dis- hole by the House of Assembly.

ber also delivered the report of the joint com- May, 1779, with the amendments proposed by ed to in the whole by the House of Assembly.

ber also delivered a petition from Geo. Adams, e is an inhabitant of that part of Sussex County onged to Maryland, and praying leave to bring ief in extending to his particular case an act of Delaware State authorizing the removal of all f the courts of law in Maryland into the courts e, &c., with a bill for amending an act entitled y act to the act entitled 'An act for the more

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effectual ascertaining and fixing the limits of the seve
within this Government, &c.,'" and the following m

"A MESSAGE FROM THE HOUSE OF ASSEMBLY TO TH

"*Gentlemen:*

"The House of Assembly have taken into c
"your amendments proposed to the report of the Joi
"tee of Accounts of the fifth day of June, 1779, and
"to discover the reasons which induced your hono
"to propose the first, unless the difference between
"therein and the sum in the voucher, being six po
"teen shillings and five pence, should have caused s
"ment; if so, it is equal to that difference. But th
"informed by their committee that the committee re
"faction thereon from Mr. Carty, who attended them
"of examination.

"As to the second amendment—this House are p
"was the intention of the Assembly, at the time of p
"account, to allow Mr. Watson equal for his servic
"lowance made in like cases to the Sheriffs of Ker
"Castle Counties, and also are of opinion that that
"instance, been done.

"No answer is necessary to your third amendment
"to observe that it is consequent on the other two.

"Signed by order of the House of Assembly.

"SIMON KOLLOCK,

"Wilmington, December 15, 1779."

The Council now reconsidered the amendments p
them to the report of the Joint Committee of Acco
5th of June, 1779, and disagreed to by the House o
and after some time spent thereon receded from their
ments.

Ordered, That the said report and amendments be
the House of Assembly by Mr. Cantwell.

Who reported the delivery thereof according to or

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rder,

George Adams, and the bill for amending an plementary act to the act entitled 'An act for ascertaining and fixing the limits of the several s Government, &c.,' " were severally read the

the same were read the second time and re- ollins and Polk, to report thereon.

-morrow morning at 10 o'clock.

FRIDAY, A. M., December 17th, 1779.

. Present all the members, except Mr. Bassett.

nember of Assembly, was admitted and laid the sum of £134 : 1 : 4, being the two-thirds to Joseph Gregg by Daniel Cloud, which, by same by the said debtor to the administratrix Gregg and her refusal thereof, became for- e, agreeable to an act of General Assembly, February, 1777, for establishing the Bills of ongress, &c., with a certificate of the commis- tion to the said administratrix, the deposition proving the tender and refusal aforesaid, and a House of Assembly for the payment of the said Treasury by the County Treasurer.

rder, the above papers were read the first time.

the same were read the second time and re- Collins and Patterson, to report thereon.

o whom the petition of George Adams and the n act entitled "A supplementary act to the act r the more effectual ascertaining and fixing the ral Counties within this Government, &c.,' " w reported that they had examined and con-

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sidered the said petition and bill, and had agreed to th
which said report was approved of, and the bill passed
cil.

Ordered, That Mr. Polk return the said petition and
House of Assembly.

Mr. Polk reported the delivery thereof according to

Adjourned till 3 o'clock, P. M.

EODEM DI

The Council met.

On motion of Mr. Polk, for leave to bring in a '
effectually to prevent non-jurors and other disqualifi
from voting at any election within this State, and for
poses therein mentioned," the same was granted, an
this purpose being laid on the table, was, by order, rea
time.

By special order, the same was read the second tin
ferred to Messrs. Hyatt, Collins and Patterson, to repo

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., December 18t

The Council met. Present the same members as on

The committee to whom the resolution of the Ho
sembly for the payment of one hundred and thirty-fo
one shilling and four pence (and the papers attending
into the State Treasury, was referred, now reported tha
examined and considered the above mentioned papers
satisfied as to the legality of the tender made by the sa

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id resolution was concurred in by the Council, viz :

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., December 16, 1779.

, Esq., Treasurer of New Castle County, laid se one hundred and thirty-four pounds one r pence, being the two-thirds part of a debt Gregg by Daniel Cloud, and tendered by the the administratrix of the said Joseph Gregg, fusal thereof, became forfeited to the State, act of General Assembly, passed the 22d day 77, for establishing the Bills of Credit issued c.

at the said Treasurer be directed to pay the to the hands of the State Treasurer.

the minutes. JAS. BOOTH,

urrence. *Cl'k of Assembly.*"

Mr. Cantwell return the foregoing resolution, he Council, with the money and papers accom- to the House of Assembly.

eported the delivery of the above according to

o'clock, P. M.

EODEM DIE, P. M.

et and adjourned till Monday morning at 10

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MONDAY, A. M., December 20th

The Council met. Present the same members as on last.

Some of the members attending on committees, the adjourned till three o'clock, P. M.

EODEM DIE

The Council met.

The committee to whom the bill to prevent non-ju other disqualified persons from voting at an election w State, now requested a further time to consider and rep on, which was granted.

Mr. Peery, a member of Assembly, was admitted and to the Chair a bill for raising one million three hundred thousand dollars in the Delaware State, between the fi February and the first day of October in the year one seven hundred and eighty, and for other purposes the tioned, which, by order, was read the first time.

Mr. West, a member of Assembly, was admitted a ered to the Chair a resolution of the House of Assembly inating persons to be balloted for as Delegates to the and also as Purchasers for the Army of the United Stat by order, was read the first time.

On motion, by order,

The bill for raising one million three hundred and s sand dollars, &c., was read the second time and refer Speaker and Messrs. Collins and Cantwell, to report th

On motion, by order,

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for nominating persons to be balloted for as ngress, &c., was read a second time, and an proposed and agreed to.

the same be transcribed and sent to the House their concurrence, by Mr. Polk, together with olution.

ng returned, reported the delivery thereof ac-

to-morrow morning at 10 o'clock.

TUESDAY, A. M., December 21, 1779.

et. Present the same members as on yesterday.

member of Assembly, was admitted and deliv- a resolution for the appointment of committees counts of the several General Loan Offices.

ber also delivered the resolution for nominating loted for as Delegates to the Congress, &c., with proposed thereto by the Council rejected by the ly, and an amendment proposed by that House tion.

e appointed on the part of the Council to view tuation of the barracks and works at the fort on now delivered their report at the table, which, d the first time.

ow took into consideration the amendment pro- o the resolution for nominating persons to be Delegates to Congress, &c., and rejected by the ly, and also the amendment proposed by that resolution, and thereupon the Council receded mendment, and agreed to the amendment pro- use of Assembly.

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Ordered, That Mr. Hyatt return the said resoluti
amendments to the House of Assembly.

Mr. Hyatt, being returned, reported the delivery t
cording to order.

On motion, by order,

The resolutions of the House of Assembly for the ap
of committees for settling the accounts of the sever
Loan Offices were read the first time.

By special order the same were read the second tim
curred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY, December 20t

"WHEREAS the committees heretofore appointed to
"adjust the accounts of the General Loan Offices for
"ties of New Castle and Kent have not proceeded in
"ness; therefore

"*Resolved*, That a committee of three persons in e
"said Counties be appointed to settle and adjust th
"of the said offices in the Counties aforesaid respect
"are hereby directed to settle and adjust the said acc
"the time of the settlement made by Messrs. McKi
"Killen, Haslet, and Robinson, a committee of As
"the purpose, and make report thereof to the General
"this State at their next meeting.

"AND WHEREAS the late committee appointed for th
"vice in the County of Sussex have not proceeded the

"*Resolved*, That a committee of three be appointe
"and adjust the accounts of the General Loan Office f
"County of Sussex.

"The members chosen, on the part of this Hous
"New Castle County, John Clark and Robert Bryan,
"for Kent County, Philip Barratt and John Cook, Esq
"for the County of Sussex, Simon Kollock and Josep
"quires.

"*Resolved*, That the committees respectively be

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of money in specie and paper which are in the

he minutes. JAS. BOOTH,
rrence. *Cl'k of Assembly.*"

he Council, on their part, have nominated the
o join the committee of the House of Assem-
ew Castle County, John Thompson, Esq.; for
n Baning, Esq.; and for the County of Sussex,

JOHN CLOWES, *Speaker.*

Mr. Baning return the said resolution, with the
pointment of the Council thereto, to the House

member of Assembly, waited on the Council
n that the House of Assembly were ready to
proceed to put in nomination persons to be
elegates to Congress and Purchasers for the
tate, according to the order of the day.

n met the House of Assembly, in the Assem-
en and there put in nomination for the said
ns, whose names were taken down for the con-
embers of both Houses.

the General Assembly now separate, and meet
mbly Room, to-morrow morning at 10 o'clock,
icers aforesaid.

il withdrew, and adjourned till three o'clock,

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EODEM D

The Council met.

Mr. Baning now reported the delivery of the paper to him, according to order.

The committee appointed to report on the bill for million three hundred and sixty thousand dollars, n divers amendments to the said bill, which, by order, agreed to, and ordered to be transcribed.

Ordered, That Mr. Patterson return the said bill scribed amendments to the House of Assembly for c

Mr. Patterson reported the delivery according to o

The committee to whom the bill to prevent non other disqualified persons from voting at any election State, was referred, having considered the same, now as their opinion that the said bill should be rejected, prayed leave to bring in a new bill, in lieu thereof granted; whereupon a bill entitled "An act for the l ing elections within this State," was laid on the table

On motion, by order, the said bill was read the firs

By special order, the same was read the second ti ferred for consideration.

Adjourned till to-morrow morning at 10 o'clock.

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EDNESDAY, A. M., December 22d, 1779.

Present the same members as on yesterday.

ember of Assembly, was admitted and pre-
an account of Charles Ridgely, Esq., of cash
ouse rent for eight Continental soldiers under
eutenant Skillington, amounting to forty-five
order, was read and allowed.

r. Baning return the said account to the

turn, reported the delivery thereof according

ember of Assembly, waited on the Council
that the House of Assembly were ready to
and proceed to the balloting for persons as
ss and Purchasers for the Army within this
he order of the day.

met the House of Assembly, in the Assem-
eeded to ballot for the officers aforesaid out
e put into nomination, and upon examining
he ballots it appeared that John Dickinson,
and George Read, Esquires, were declared
tes from this State to the Congress of the
ne ensuing year; and Thomas Duff, Esq.,
lected Purchaser for the Army of the said
d in the County of New Castle; John Cook,
duly elected Purchaser for the said Army for
f Kent; and Simon Kollock, Esq., was de-
Purchaser for the said Army for and in the

s separated, and the Council adjourned till 3

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EODEM DI

The Council met.

Mr. Bassett attended, and made his excuse for his
ance at an earlier day, which was admitted.

Mr. Young, a member of Assembly, was admitted
ered to the Chair a supplementary act to the Militia a
by order, was read the first time.

Mr. John Clark, a member of Assembly, was admitt
livered to the Chair a bill for the appointment of Trus
several General Loan Offices.

On motion, by order, the said bill was read the first

On motion, by order,

The supplementary bill to the Militia act was rea
time and referred to Messrs. Bassett, Polk and Collins
thereon.

On motion, by order,

The bill for the appointment of Trustees of the seve
Loan Offices was read the second time and referred
Cantwell, Patterson and Conwell, to report thereon.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., December

The Council met. Present the same members as on

The committee to whom the bill for the appointment
of the several General Loan Offices was referred, now
amendment to the same; which was read and agreed

Ordered, That Mr. Conwell wait on the House o
with the said bill and transcribed amendments.

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eturned, reported the delivery thereof according

e to whom was referred the supplementary bill
, now reported some amendments to the same;
were read, agreed to, and ordered to be trans-

t the said bill and amendments be sent for con-
House of Assembly, by Mr. Baning.

the delivery thereof according to order.

3 o'clock, P. M.

EODEM DIE, P. M.

net. Present the same members, except Mr.

order,

the committee of Council appointed to view
tuation of the barracks and works on Christiana
ction with a committee of the House of Assem-
econd time and adopted, and is as follows, viz:

which was appointed to join the committee of
sembly to view the guard house, magazine and
iana Creek, near the Borough of Wilmington,
they had viewed the same, and are of opinion
necessity for keeping them in repair; therefore
as the barracks and wood part of the maga-
nd going to ruin, they ought to be sold for the
te.

t Mr. Joseph Stidham be and he is hereby em-
public sale of the wood part of said works, and

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that he make return of his proceedings in the pren
General Assembly at their next meeting.

Ordered, That Mr. Cantwell deliver the foregoing
resolution to the House of Assembly for concurrence.

Mr. Cantwell reported the delivery thereof accordi

Mr. Bryan, a member of Assembly, was admitted
ered to the Chair the bill for the appointment of Tru
General Loan Offices, with the amendments propose
the Council acceded to by the House of Assembly, a
sition of that House for filling up the blanks for th
names in the said bill.

The same member also delivered a letter from th
of Congress to the President of this State, of the 22d
inclosing an act of Congress of the 19th of the sa
recommending to the several States to enact laws for
a general limitation of prices throughout their respe
dictions; the proceedings of the convention of New
Massachusetts Bay, &c.; and a letter from the Presi
said convention to the President of this State on the
ject, with a resolution of the House of Assembly for t
ment of Commissioners to attend a convention at Phil
the purposes mentioned in the said resolution of Con

The same member also delivered to the Chair a bill
the exportation of provisions from this State.

The same member also delivered the resolution of
of Assembly empowering the Speakers of both Hou
an order for the payment of the Militia.

The same member also delivered a resolution of th
Assembly for the payment of the monies which have
the sale of forfeited estates into the State Treasury.

The same member also delivered a resolution of th
Assembly for appointing an Auditor General of Acco

On motion, by order,

The foregoing letters, the act of Congress, and the
of the convention of Massachusetts Bay respecting a
itation of prices, were read.

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rder,

r the appointment of Commissioners to attend iladelphia in order to consider on the expedi- imitation of prices, was read the first time.

, the same was read the second time and de- tion until to-morrow morning.

rder,

for filling up the blanks in the bill for the ap- ees of the General Loan Offices, was read the

rder,

mpowering the Speakers of both Houses to e payment of the Militia, was read the first

, the foregoing resolution was read a second in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,

"THURSDAY, A. M., December 23d, 1779.

the Speakers of both Houses of the General an order on the Trustee of the General Loan unty of Sussex, in favor of John Clowes, of the ., for the sum of one thousand two hundred ny public monies in the said office, except emitted to be let out on loan, to be applied Clowes in discharging a balance due to the l County of Sussex; the said John Clowes to or the expenditure thereof, and to render an oceedings in the premises to the General As- ext meeting.

kers of both Houses also draw an order on the for the sum of three thousand six hundred of Philip Barratt, of the County of Kent, Esq., ied in discharging the debts heretofore agreed ssembly due to the Militia of the said County

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"of Kent; the said Philip Barratt to be accountable
"penditure thereof, and to render an account of his
"in the premises to the General Assembly at their n

"Extract from the minutes. JAS. BOO

"Sent for concurrence. *Cl'k of A*

On motion, by order,

The resolution for the payment of the monies aris
sale of forfeited estates into the State Treasury, was
time.

By special order, the same was read a second time
for consideration until to-morrow morning.

On motion, by order,

The resolution for the appointment of an Auditor
Accounts, was read the first time.

By special order, the same was read the second t
ferred for consideration until to-morrow morning.

On motion, by order,

The bill to prohibit the exportation of provisions,
first time.

By special order, the same was read the second t
ferred to Messrs. Collins, Polk and Patterson, to re
to-morrow morning.

Adjourned till to-morrow morning.

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FRIDAY, A. M., December 24th, 1779.

net. Present all the members.

took into consideration the resolution for the monies arising from the sale of forfeited estates Treasury, and an amendment was proposed and

t Mr. Conwell return the said resolution and he House of Assembly for concurrence, with the wering the Speakers to draw orders for the pay- itia concurred in by the Council.

reported the delivery thereof according to order.

a member of Assembly, was admitted and de- Chair a resolution of that House directing the h Houses to inform the persons chosen Delegates to Congress of their appointment, and request o their acceptance of the said appointment.

by order, the foregoing resolution was read the

der, the same was read a second time and con- in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., December 24th, 1779.

hat the Speakers of the Council and House of requested to give information to Messrs. Dickin- of their appointment, by the General Assembly, this State as Delegates in the Congress of the of America, and request their answer.

n the minutes. JAS. BOOTH,
ncurrence. *Cl'k of Assembly.*"

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Ordered, That Mr. Patterson return the foregoing res
concurred in by the Council, to the House of Assembly.

Mr. Patterson, being returned, reported the delivery
according to order.

Mr. Cook, a member of Assembly, was admitted and d
the resolution for the payment of the monies arising from
of forfeited estates, &c., with the amendments proposed
by the Council acceded to by the House of Assembly;
said resolution, as amended, was read and concurred in, a
follows, viz:

"IN THE HOUSE OF ASSEMBL
"WEDNESDAY, A. M., December 22,

"On motion,

"*Resolved*, That the Commissioners of Forfeited Es
"directed forthwith to pay into the hands of Samuel Pa
"Esq., the Treasurer of this State, the balance of the
"which has arisen by the sale of those estates by them
"after deducting their commissions and the sums ordered
"Justices of the Courts of Quarter Sessions for the main
"and support of the wives and children of the persons w
"forfeited the same, and the debts against said estates,
"and that the said commissioners be directed to attend t
"eral Assembly, at their next meeting, to render an acc
"their proceedings in the premises.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assem*

Ordered, That Mr. Baning deliver the same to the H
Assembly, with the concurrence of the Council thereto.

Mr. Baning reported the delivery thereof according to

The Council took into consideration the resolution re
the appointment of an Auditor General of Accounts,
amendment was proposed and agreed to.

Ordered, That the same be transcribed and sent, with
resolution, to the House of Assembly, for concurrence,
Hyatt.

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returned, reported the delivery thereof according

by order,

ion for filling up the blanks in the bill for the ap-
Trustees of the several Loan Offices was read a
d Mr. Bassett moved that the name of John Rod-
he County of Sussex, should be inserted in the
Hall, Esq.; and the same being seconded, the
t and carried in the negative.

then required the yeas and nays on the above
y are as follows, viz:

ion—Mr. Collins, Mr. Bassett, Mr. Patterson, Mr.

question—Mr. Polk, Mr. Conwell, Mr. Cantwell,

being divided, the Speaker gave the casting voice.

at Mr. Polk return the foregoing bill and proposi-
by the Council, to the House of Assembly.

eing returned, reported the delivery of the fore-
ccording to order.

ll 3 o'clock, P. M.

EODEM DIE, P. M.

met.

ee to whom the bill to prohibit the exportation of
referred, now reported sundry amendments to the
by order, were read, considered, and debated, and
being agreed to, the said bill was recommitted to
ittee, with the addition of Mr. Bassett.

now took into consideration the resolutions of the

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House of Assembly for the appointment of Commi
attend a convention in Philadelphia to deliberate on
ency of a general limitation of prices throughout the
of the respective States, and proposed some amendme
which were read, agreed to, and ordered to be transc

Ordered, That the said resolutions and proposed a
be sent for concurrence to the House of Assembly,
lins.

Who, being returned, reported the delivery thereo
to order.

Mr. Collings, a member of Assembly, was admitte
sented to the Chair a letter addressed from George
declining his acceptance of his appointment as one
gates from this State to Congress; and also the letter
tion of George Craghead, Esq., of his appointment
sary-General of Prisoners for this State, with resolut
House of Assembly for nominating persons to be bal
supply the places of George Read, Esq., as a Delega
State to Congress, and of George Craghead, Esq., a
sary-General of Prisoners for this State.

Mr. Stidham, a member of Assembly, was admitte
ered to the Chair a bill for amending the laws for estab

On motion, by order, the foregoing letter from Ge
Esq., and the resignation of George Craghead, Esq
erally read.

On motion, by order,

The resolutions for nominating persons to be ballo
Delegate to represent this State in Congress in th
George Read, Esq., and a Commissary-General of
the room of George Craghead, Esq., were read the fi

By special order, the same were read a second tin
curred in, and are as follows, viz:

"In the House of Assembly, 24th Feb., P.

"On motion,

"*Resolved*, That the General Assembly meet this

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ck, in the Assembly Room, for the purpose of nom-
sons to be balloted for as a Delegate to represent
n Congress in the place of George Read, Esq., who
d to serve.

on,

That the resignation of George Craghead, Esq.,
intment of Commissary-General of Prisoners for this
fied to the General Assembly by his letter of the
f October last, be accepted, and that proper persons
ed at the time aforesaid to be balloted for to supply

rom the minutes. GEO. LATIMER,
concurrence. *Cl'k pro temp.*"

That Mr. Polk return to the House of Assembly the
olutions, concurred in by the Council, with the letters
m George Read and George Craghead, Esquires.

being returned, reported the delivery thereof accord-

by order,

r the amending the laws for establishing fees was
time.

er, a member of Assembly, was admitted and in-
ouncil that the House of Assembly were ready to
to put in nomination persons to represent this State
n the room of George Read, Esq., who hath de-
e, and also for a Commissary-General of Prisoners
of George Craghead, Esq., who hath resigned his

il now met the House of Assembly, in the Assembly
t in nomination persons for each of the said offices,
rson only for each of the said appointments was put
.

That as but one person for each of the said appoint-
in nomination, the General Assembly proceed to
same forthwith.

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The General Assembly then proceeded to ballot for t officers, and the box containing the ballots being exam the presence of the members, it appeared that the Ho Thomas McKean, Esquire, was declared unanimously el Delegate from this State to Congress in the room of Read, Esq., who hath declined to serve; and that Major Fisher was declared unanimously elected Commissary-Ge Prisoners for this State in the place of George Craghead who hath resigned.

On motion,

Resolved, That the two Houses now separate.

Then the Council withdrew.

On motion, by order,

The bill for the amending the laws for establishing f read a second time and referred to the Speaker and Mess sett and Patterson, to report thereon to-morrow morning.

The Council now took into consideration their messag swer to an answer from the House of Assembly of t October last to a message from the Council of the 28th said month, and the same was agreed to.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., December 25th,

The Council met. Present the same members as on ye

Mr. Clark, a member of Assembly, was admitted and d to the Chair the resolutions of the House of Assembly for pointment of Commissioners to attend a convention in P phia for fixing a general limitation of prices, and the re for the appointment of William Killen, Esq., Auditor Ge Accounts, with the amendments to the said resolutions to by the House of Assembly.

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by order, the foregoing resolutions were severally
led, and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., December 21, 1779.

,

That Commissioners be appointed on the part of
by a joint resolution of the General Assembly
eet Commissioners from the States of New Hamp-
chusetts Bay, Rhode Island, Connecticut, New
Jersey, Pennsylvania, Maryland and Virginia, in
t Philadelphia on the first Wednesday of January
nd there to unite with them in considering the ex-
limiting the prices of merchandise, produce and
f the said convention judge such a measure neces-
ceed with them to limit the prices of the said arti-
manner as shall be best adapted to the situation
tances of the several States; and that they make
proceedings of the said convention to the Legis-
State at their next meeting.

Delegates from this State to Congress and George
the County of New Castle, Esq., or any two of
d are hereby appointed Commissioners on the part
for the purposes aforesaid.

om the minutes. JAS. BOOTH,
oncurrence. *Cl'k of Assembly.*"

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., December 23, 1779.

s the present mode of stating and settling the
ich arise against this State and the accounts be-
tate and the United States of America, is found to
nvenient and expensive; therefore

That William Killen, of Kent County, Esq., be
is appointed for the purpose aforesaid, to whom all
aforesaid are hereafter to be delivered, with their
hich are to be by him properly stated and laid be-
neral Assembly at their next or some other subse-

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"quent meeting, for their consideration and inspec
"shall, for his trouble in doing and performing the a
"tioned service, be allowed the sum of one thousand

"Extract from the minutes. JAS. BOOT

"Sent for concurrence. *Cl'k of As*

The committee to whom was referred the bill for
fees, now reported sundry amendments thereto; which
were read the first time.

By special order, the same were read the second ti
to, and ordered to be transcribed.

Adjourned till 3 o'clock, P. M.

EODEM DI

The Council met.

Ordered, That Mr. Baning return to the House o
the foregoing bill for establishing fees, with the amend
posed thereto by the Council.

Mr. Baning reported the delivery thereof according

The committee to whom the bill to prohibit the exp
provisions was referred, now made their report thereo
said bill should be rejected, and brought in another
purpose aforesaid; which, by order, was read the first

By special order, the same was read the second tim

The same was read a third time by paragraphs, agr
ordered to be transcribed.

Mr. Peery, a member of Assembly, was admitted
ered to the Chair the bill for amending the laws for
fees, &c., with the amendments proposed thereto by
disagreed to in part and in part agreed to, together wi
tional paper of amendments proposed by the House o
to the said bill.

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Mr. Cantwell wait on the House of Assembly
ohibit the exportation of provisions, as rejected
nd another bill proposed in lieu thereof by the
lutions of the House of Assembly for the ap-
mmissioners to attend a convention in Phila-
a general limitation of prices, and also the
appointment of an Auditor General, with the
e Council respectively thereto.

eing returned, reported the delivery thereof ac-

e Council took into consideration the amend-
oy them to the bill for the amending the laws
ees, and the additional paper of amendments
same bill by the House of Assembly, and the
lered and debated, the Council adhered to their
agreed that a message, stating the reasons of
should be sent to the House of Assembly;
lowing was accordingly drawn up at the table,
to be transcribed, viz:

here to their amendments proposed to the bill
laws for establishing fees, and of course reject
mendments, and are extremely sorry they find
rained so to do. The reasons inducing the
to their amendments, among many others that
ed, are, that they conceive, whenever it is
by the Legislature to increase officers' fees,
oe general and not partial, which, they appre-
ne case were they to recede from their amend-
nd give a passage to the bill. The Council are
f the necessity of such a bill, and therefore
ive up any matter, rather than that it should
consistent with their idea of justice. But they
it would argue partiality in them, at the same
viding for other officers of less consequence not
e officers filling the several Courts of Common
s' Courts in this State, when, in their opinion,
as necessary, and those courts rather of more
any others in the State. We could wish your

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honorable House would reconsider the amendments pro
and if the same idea should impress your minds that does
upon this subject, they make no doubt but you will readily
to their amendments.

Signed by order of the Council,

JOHN CLOWES, *Spea*

Wilmington, December 25, 1779.

Ordered, That Mr. Collins return the foregoing bill
amendments to the House of Assembly, with the foregoin
sage.

Mr. Collins, being returned, reported the delivery of the
papers according to order.

Ordered, That Mr. Polk deliver to the House of Assem
bill for the more easy and speedy recovery of small debts.

Mr. Polk reported the delivery thereof according to ord

Mr. Adams, a member of Assembly, was admitted a
turned the bill for prohibiting the exportation of provisio
this State, as proposed by the House of Assembly and r
by the Council, with the bill offered by the Council in lieu
and a paper of amendments proposed by the House of As
to the last mentioned bill; which amendments were re
agreed to.

Ordered, That the said bills and their amendments be
the House of Assembly by Mr. Polk.

Who, being returned, reported the delivery thereof acc
to order.

Mr. Peery, a member of Assembly, was admitted and de
to the Chair the bill to prohibit the exportation of provisio
this State, in order to be engrossed.

Ordered to be engrossed.

Ordered, That Mr. Bassett wait on the House of As
with the message from the Council, by way of answer to
swer of the House of Assembly of the 30th of October la

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urned, reported the delivery thereof according

member of Assembly, was admitted and deliv-
at eleven o'clock this evening, a resolution of
g the Council of their intention to adjourn this
nied with the following verbal message, viz :

Assembly have maturely considered your mes-
the amendments proposed to the bill to amend
State for establishing the salaries and fees of
and cannot accede to the said amendments ;
convinced of the necessity of such a law, are
the same as it now stands, and request to know
our honorable House on the said bill in its pres-

December 25, 1779."

order, the resolution for the adjournment to
ead the first time.

hibit the exportation of provisions from this
engrossed, was read and compared, and or-
by Mr. Bassett, to the House of Assembly, in
by the Speaker thereof.

orted the delivery thereof according to order.

order,

of the House of Assembly for the adjournment
s read the second time.

Mr. Bassett deliver to the House of Assembly
ng the laws for establishing fees, and its amend-
llowing verbal message, viz :

ave given you their reasons for not receding
ed amendments to the bill for amending the
ng fees, which they think are cogent; and while
hat opinion, you may rely they never will pass
rms.

ecember 25, 1779.

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Mr. Bassett, being returned, reported the delivery of the committed to him according to order.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., December 27th,

The Council met. Present all the members, except M terson.

Mr. John Clark, a member of Assembly, was admitt delivered to the Chair the bill for introducing economy chasing supplies for the Army of the United States, with of amendments proposed thereto.

The same member also delivered a resolution of that H affixing the Great Seal of this State to seven laws, passed ber, 1779, with the laws therein mentioned.

The Council took into consideration the act of Congres nineteenth of November, 1779, respecting a general limit prices, and thereupon came to the following resolutions f thereon, viz :

WHEREAS by an act of Congress of the nineteenth November it is, among other things, declared that such as have neglected to pass laws for the limitation of prices ing the several matters and things therein mentioned to not exceeding twenty fold of the prices current through t ous seasons of the year 1774, in order that such State wh neglect or refuse should respectively be charged in the accounts with the aggregate amount of the difference o paid from and after the said first day of February, 1780, States and those in which such laws should have been e thereupon

Resolved, That the said act of Congress above menti considered, by the Legislature of this State, to be an i ment on the rights and liberties of the people, and inco with the freedom and independency thereof.

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o, That the Delegates be instructed by the General
ndeavor as soon as possible to procure a repeal of
Congress, and that their instructions be as follows,

ure of this State humbly conceive the act of Con-
the nineteenth day of November, respecting the
State with the aggregate amount of the difference
and above twenty fold from and after the first day
780, to be an infringement on the rights of the peo-
istent with the freedom and independence thereof;
re hereby requested to endeavor to procure a re-
rt of the said act of Congress as soon as possible.

hat the above resolutions be transcribed and sent
e to the House of Assembly, together with the
act of Congress of the 19th November, and the
e President of Congress to the President of this
Cantwell.

a member of Assembly, was admitted and deliv-
on of that House for the appointment of a com-
erence on the subject matter of the amendments
he Council and House of Assembly to the bill for
laws for establishing fees; which, by order, was
d in, and follows in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, A. M., December 27, 1779.

That it be proposed to the Council to appoint a
f their body to confer with a committee of this
e subject matter of the 2d, 6th, 7th, 10th, 12th,
d 16th amendments, proposed by the Council to
mending the laws for establishing the salaries and
vil officers, &c., and also the subsequent paper of
proposed by this House to the said bill. The
osen on the part of this House are Messrs. Bryan,
aples.

m the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

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And thereupon the Council have nominated, on
Messrs. Bassett, Hyatt, and Collins a committee to
the said committee of the House of Assembly on
matter of the amendments above mentioned.

Ordered, That the foregoing resolution, with the
and appointment of the Council thereto, be returned t
of Assembly by Mr. Hyatt.

Who, being returned, reported the delivery thereo
to order.

Mr. Duff, a member of Assembly, was admitted ar
to the Chair the report of the committee for adjustir
Treasurer's accounts, with the said accounts and vo
concurrence.

Adjourned till 3 o'clock, P. M.

EODEM D

The Council met.

Mr. Patterson appeared in the Council.

On motion, by order,

The resolution for affixing the Great Seal to seven
this session was read the first time.

By special order, the foregoing resolution was read
time, concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEM
"SUNDAY, December

"On motion,

"*Resolved*, That the President and Commander-in
"the Great Seal of this State to the following laws, t

1. "An act to prevent forestalling and engrossi
other purposes therein mentioned ;"

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for the appointment of Trustees of the General
the respective Counties of this State ;''

lement to the act entitled 'An act for the establish-
thin this State ;' ''

for raising one million three hundred and sixty
rs in the Delaware State between the first day of
he first day of October in the year one thousand
and eighty, and for other purposes therein men-

for the amendment of an act entitled 'A supple-
the act entitled 'An act for the more effectual
d fixing the limits of the several Counties within
nt, and for removing some inconveniences that
ne late establishment of the boundaries and divis-
een the same and Maryland ;' ''

lement to an act entitled 'An act for the more easy
overy of small debts ;' ''

to prohibit the exportation of provisions from this
ne seas for a limited time.''

m the minutes. JAS. BOOTH,
ncurrence. *Cl'k of Assembly.''*

at the foregoing resolution and the laws therein
espectively signed by the Speaker of the Council ;
rdingly done, and the same were ordered to be re-
Polk to the House of Assembly.

by order,

of the committee appointed to adjust the State
ounts was read the first time.

rder, the same was read a second time and agreed

at the same be returned to the House of Assembly
ogether with the public accounts and vouchers.

tee appointed by Council to confer with a com-

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mittee of the House of Assembly on the subject matt
amendments proposed by the Council to the bill for ame
laws for establishing fees, and the subsequent amendm
posed by the House of Assembly to the same bill, now
their report at the table; which, by order, was read the

By special order the same was read a second time.

Messrs. Polk and Cantwell now reported the delive
several papers respectively committed to them acc
order.

On motion, by order,

The Council took into consideration the amendment
by the House of Assembly to the bill for introducing ec
the purchasing supplies for the army, and the same bein
ered and debated were rejected by the Council.

Ordered, That the said bill and amendments be ret
Mr. Polk, to the House of Assembly.

Mr. Vandyke, a member of Assembly, was admitted
ered to the Chair the bill for amending the laws for es
fees, &c., with the report of the committee of conferenc
amendments proposed thereto by the House of Assemb

On motion, by order, the said amendments were rea
time.

By special order, the same were read the second t
sidered and rejected by the Council.

Ordered, That the foregoing bill and report, with th
ments proposed thereto by the House of Assembly and
by the Council, be returned to that House by Mr. Polk

Who, being returned, reported the delivery of the se
pers committed to him according to order.

The Council now put in nomination persons to be ba
as a Privy Councillor, when several persons were name
office, and their names taken down for consideration, t
loted for to-morrow morning.

Adjourned till to-morrow morning at 10 o'clock.

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TUESDAY, A. M., December 28th, 1779.

Present all the members.

nember of Assembly, was admitted and deliv-
resolution of the House of Assembly empow-
to take measures for the more speedy supply-

order, the foregoing resolution was read the

the same was read the second time, and an
posed and agreed to.

he said resolution and proposed amendment
ence, to the House of Assembly by Mr. Pat-

rned, reported the delivery thereof according

eeable to the order of the day, proceeded to
ouncillor, and the box containing the ballots
appeared that James Raymond, of Kent
declared to be duly elected.

nember of Assembly, was admitted and deliv-
bill for amending the laws for establishing
dments proposed thereto; the report of the
rence, and the amendments proposed thereto
sembly, and rejected by the Council, receded
with a paper of further amendments proposed
by the House of Assembly.

er also delivered to the Chair the resolution
esident to take measures for the more speedy
, with the amendments proposed thereto by
d to by the House of Assembly and made

k into consideration the further amendments

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proposed by the House of Assembly to the report o
mittee of conference, and after some time spent ther
to all the aforesaid amendments except the amendmen
ing a salary of one thousand pounds to the Attorney

Ordered, That Mr. Patterson wait on the House o
with the bill for amending the laws for establishing fe
foregoing report of the committee of conference and
ments proposed to each respectively.

Mr. Patterson reported the delivery of the above pap
ing to order.

On motion, by order,

The resolution empowering the President to take m
the more speedy supplying the army was read, as am
concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEM

"MONDAY, P. M., December

"On motion,

"*Resolved*, That the President or Commander-in-C
"State be and hereby is empowered, in the recess of t
"Assembly, to take such measures, on application o
"the Commander-in-Chief of the Continental Army, o
"missary or Quartermaster General of the said Army
"diately supplying provisions or forage for the use o
"and issue such orders to all and every person withi
"concerned in the purchasing supplies for the said ar
"purpose of procuring and forwarding the same, as th
"of the case may require; and in case the said purcha
"of them, refuse or neglect to obey and execute such
"President is hereby also empowered to suspend such
"appoint another in his place.

"Extract from the minutes. JAS. BOOT

"Sent for concurrence. *Cl'k of As*

Ordered, That Mr. Polk return the foregoing reso
the concurrence of the Council thereto, to the Ho
sembly.

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ng returned, reported the delivery thereof accord-

to-morrow morning at 10 o'clock.

WEDNESDAY, December 29th, 1779.

net. Present all the members, except Messrs. Polk

k, a member of Assembly, was admitted and de-
hair the engrossed bill for amending the laws for
salaries and fees of the civil officers of this State,
peaker of the House of Assembly, together with
and its amendments, in order that the same may
d signed by the Speaker of the Council, with a
fixing the Great Seal of this State to the said bill.

ember also delivered a resolution for raising the
Delaware Regiment in rotation, &c.

ember also delivered a resolution allowing each
id regiment a hat.

mber also delivered a resolution empowering the
th Houses to draw for ten thousand pounds in
thier-General.

y order,

nending the laws for establishing the salaries and
officers of this State, &c., was read, compared
be signed by the Speaker of the Council; which
done; whereupon Mr. Bassett entered the fol-
gainst the said bill, viz:

e bill entitled "An act for the amendment of the
hing the salaries and allowances to the President,
Supreme Court and Justices of the Courts of
and Orphans' Court of this State, and the fees

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of the other civil officers thereinafter mentioned, and
ances to jurors and witnesses," has been engrossed
by the Speaker of the House of Assembly and sent to
cil, in order to be signed by the Speaker of the sa
clause therein contained not warranted by any ame
proposition agreed to by the General Assembly, whic
ings I conceive to be illegal and unjustifiable, I d
hereby protest against the same, and pray that this p
be entered on the minutes of the Council.

RICHARD BA

On motion, by order,

The resolution for affixing the Great Seal to the for
mentioned bill was read, concurred in, and is as follow

"IN THE HOUSE OF ASSE
"TUESDAY, P. M., December

"On motion,

"*Resolved*, That the President and Commander-in
"the Great Seal of this State to the following law, to

"'An act for the amendment of the laws for estab
"salaries and allowances to the President, Justices
"preme Court and Justices of the Courts of Commo
"Orphans' Courts of this State, and the fees of the
"officers hereinafter mentioned, and the allowances to
"witnesses.'

"Extract from the minutes. JAS. BOOT

"Sent for concurrence. *Cl'k of As*

On motion, by order,

The resolution for raising the officers in the Dela
ment in rotation was read and concurred in, and is as

"IN THE HOUSE OF ASSEM
"TUESDAY, P. M., December

"On motion,

"*Resolved*, That the officers of the Delaware Regi
"Continental Army be raised, in rotation, so as to

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asioned by the resignation of Lieutenant Colonel
, who has resigned his office therein ; and that the
l Commander-in-Chief be requested to transmit a
esolution to the Board of War.

m the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

by order,

on of the House of Assembly for allowing each
Delaware Regiment a hat, was read, concurred in,
s, viz :

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., December 28, 1779.

That each commissioned officer in the Delaware
allowed a hat, in addition to the clothing hereto-
hem by the General Assembly, which the Clothier-
reby directed to furnish.

m the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

by order,

on of the House of Assembly empowering the
oth Houses to draw an order for ten thousand
of the Clothier-General was read the first time.

lowing accounts, brought in for the expenses of
curred at their present meeting for services ren-
, were allowed, viz :

ble John Clowes, Esq., Speaker, for			
g charges, &c., ...	£ 107	0	0
lk, Esq., for ditto, ...	75	10	0
nwell, Esq., for ditto, ...	96	0	0
g, Esq., for ditto, ...	45	0	0
ntwell, Esq., for ditto, ...	22	2	6
forward, ...	£ 345	12	6

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Brought over, ... £

To Mrs. Huggins, for boarding Messrs. Collins and Hyatt, including traveling charges, ...

To Mr. John Lea, for boarding Mr. Bassett, including traveling charges, ...

To Miss Alice Bennett, for boarding the Honorable John Clowes, William Conwell, William Polk, and Benjamin Vining, Esquires, ...

To Mr. Israel Brown, for liquors, &c., ...

To Mr. Henry Kitchen, for keeping several of the members' horses, ...

To Mr. Benjamin Vining, Clerk of the Council, . .

To Mr. John Thelwell, Sergeant-at-Arms, ...

To Mr. John McGonogle, barber, ...

£3

On motion, by order,

The resolution for the adjournment of the General A to Lewes-town, in Sussex County, was read a third time curred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY, December 25

"On motion,

"*Resolved*, That the General Assembly of this State "at the Town of Lewes, in the County of Sussex, on th "which the present sessions may be adjourned, there t "transact the public business.

"Extract from the minutes. JAS. BOOTH

"Sent for concurrence. *Cl'k of Asse*

Then the Council adjourned until the 22d day of M to meet at the Town of Lewes, in the County of Sussex

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TES OF COUNCIL.

MARCH, 1780.

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ND PROCEEDINGS

OF THE

OF THE DELAWARE STATE.

D SESSION, MARCH, 1780.

the Council at the Town of Lewes, in the
by a special order of the President, on Tues-
f March, in the year of our Lord one thou-
and eighty, a quorum of the members to
ttending, the Council adjourned from day to
he 3d day of April, 1780.

MONDAY, April 3, 1780.

The following members attended, viz:

County—Peter Hyatt.

—Thomas Collins, John Baning, Richard

ty—The Honorable John Clowes, William
lk.

morrow morning at 10 o'clock.

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TUESDAY, April 4th, 1780.

The Council met. Present the same members.

The writs for convening the General Assembly at the Town of Lewes not being laid before the Council, the House adjourned from day to day until Friday, the 7th instant.

FRIDAY, April 7th, 1780.

The Council met. Present the same members as on Tuesday.

The Secretary now delivered the writs for summoning the General Assembly to the Clerk of the Council, which by him were laid before the Council and read; and thereupon the Speaker laid upon the table a message from his Excellency, the President, of the 31st March last, which had been delivered to him by Mr. Stidham, a members of Assembly, on the 6th instant; and also a letter from the President of Congress to the President of this State, inclosing a Proclamation of Congress for setting apart Wednesday, the 26th instant, as a day of fasting, humiliation and prayer, with a resolution of the House of Assembly, for that purpose, founded thereon, which had been delivered to him by Mr. Bryan, a member of Assembly, on the 4th instant.

On motion, by order,

The President's message, and its inclosures, were severally read, and the said message is as follows, viz:

"*Gentlemen of the General Assembly:*

"A circular letter of the twenty-sixth of February last, which "I have received from the President of Congress, with an act of "that honorable body of the twenty-fifth of the same month, "calling upon the several States to procure their respective "quotas of supplies for the ensuing campaign, have, from the "importance of the subject, determined me, with advice of the

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convene you before the time to which you
because a speedy compliance with that act,
ertions in carrying the same into execution,
ally obvious and essentially necessary. I have
the Secretary to lay these papers before your
immediate consideration; and also to lay be-
s of Congress of the thirteenth and fourteenth
ne former containing regulations to be adopted
ers of war, whether taken by the Continental
ed by the arms of any particular State, either
n order to obviate many difficulties occurred
general regulations; the other recommending
e of each of the United States to make pro-
same is not already done, for conferring like
e subjects of his most Christian Majesty as are
bjects of these States by divers articles in the
nd commerce; and likewise a recommendation
tes to set apart Wednesday, the twenty-sixth
a day of fasting, humiliation and prayer.

treat the attention of your Honors to an act
he eighteenth instant, calling on the several
the Continental Currency, by monthly taxes,
may best suit their respective circumstances,
ision for other bills to be issued in lieu thereof,
trictions, accompanied by a circular letter, ad-
President of Congress, on that subject, both
ary will lay before you for your perusal and
gether with an act of Congress, of the twen-
ommending the revision of such laws as have
ing the said currency a tender in discharge of
ts. As the two last mentioned acts are of the
o the inhabitants of America, I have no doubt
t your most serious attention.

31, 1780. CÆSAR RODNEY."

rder,

ppointing Wednesday, the 26th instant, to be
of fasting, humiliation and prayer, was read

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By special order, the same was read a second t
in, and is as follows, viz:

"IN THE HOUSE OF Ass
"TUESDAY, P. M., A

"The committee to whom was referred the a
"recommending Wednesday, the twenty-sixth da
"stant, to be set apart as a day of fasting, humiliat
"reported the following resolution, to which the H

"*Resolved*, That Wednesday, the twenty-sixth
"aforesaid, be set apart as a day of fasting, hu
"prayer to Almighty God, for the purposes in th
"act of Congress expressed, and that his Excelle
"dent, be requested to publish the same through
"by proclamation, on or before the fourteenth day

"Extract from the minutes. JAS. BO
"Sent for concurrence. *Cl'k of*

Ordered, That Mr. Polk return the foregoing r
the concurrence of the Council thereto, to the Hous
together with the letter and proclamation therein
accompanying the same.

Who, being returned, reported the delivery the
to order.

Mr. Bassett applied for leave of absence for a f
was granted to him.

Adjourned till to-morrow morning at 10 o'clock

SATURDAY, A. M., Ap

The Council met. Present the same members a
except Mr. Bassett and Mr. Conwell.

Doctor Molleston, a member of Assembly, was
delivered to the Chair an act of Congress, of th

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risoners of war brought into this State, with a
e House of Assembly, founded thereon.

order, the foregoing act of Congress, and the
on, were severally read the first time.

r, the foregoing bill for regulating prisoners of
his State, was read the second time and referred
Polk and Hyatt, to report thereon on Monday

Monday morning at 10 o'clock.

MONDAY, April 10, 1780.

t.

embers attending on a committee, the Council
norrow morning at 10 o'clock.

TUESDAY, A. M., April 11th, 1780.

et. Present all the members, except Messrs.
and Patterson.

nber of Assembly, was admitted and delivered
receipts for public money paid into the Loan
County by Levin Derrickson and Joseph Haz-
ers appointed by an act of Assembly for the
c monies from the late Trustees of the Loan
ounty, and others therein named, with a reso-
se of Assembly respecting the said receipts.

ber also delivered a petition from divers inhab-
himink Hundred, in New Castle County, pray-
in a bill for embanking the marsh and cripple

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on Morris's Branch, in the said hundred, together
ceedings of the House of Assembly and a bill for
founded thereon.

The same member also delivered to the Chair a
the House of Assembly for the payment of £353
State Treasury by Joseph Stidham, appointed, b
of the General Assembly at their last sitting, to ma
guard house and wooden part of the magazine in th
Wilmington, with an account of the sales.

On motion, by order, the two foregoing recei
money paid by Levin Derrickson and Joseph Hazz
were severally read, and are as follows, viz:

"Received, November 4th, 1779, of Messrs. L
"son and Joseph Hazzard, commissioners appoin
"General Assembly, the sum of four thousand
"and forty-six pounds and nine pence three farthi
"and nine hundred and sixty-seven pounds and tw
"farthings, interest, due from the late Trustees o
"Loan Office of Sussex County, according to the
"the public accounts in the year one thousand s
"and seventy-four.

"£5413 : 1 : 0½. JOHN RODNEY, *Tru*

"Received, April 6th, 1780, of Messrs. Levin D
"Joseph Hazzard, commissioners appointed by ac
"of this State, the sum of four hundred eighty
"seventeen shillings and four pence, principal, and
"seventeen pounds and seven pence, interest, be
"due from David Hall and Jacob Kollock, as s
"House of Assembly in the year one thousand s
"and seventy-four.

"£605 : 17 : 11. DAVID HALL, *Tru*

On motion, by order,

The resolution of the House of Assembly respe
foregoing receipts was read the first time.

By special order, the same was read a second ti
in, and is in these words, viz:

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"IN THE HOUSE OF ASSEMBLY,

"FRIDAY, P. M., April 7, 1780.

t the said two receipts be and are hereby de-
and sufficient acquittances and discharges as
esaid late Trustees of the Loan Office of the
x, and to David Hall and Jacob Kollock afore-
aid commissioners, Levin Derrickson and Jo-
and that the sum of one hundred pounds be
aid Levin Derrickson and Joseph Hazzard for
nd trouble in discharge of the duty enjoined
t of General Assembly aforesaid; which said
awn for by the Speakers of both Houses on
rer.

he minutes. JAS. BOOTH,
rrence. *Cl'k of Assembly.*"

order,

or the payment of £353 : 7 : 6 into the State
h Stidham, Esq., was read the first time.

, the same was read a second time, and sundry
proposed and agreed to.

Mr. Conwell return the foregoing resolution
ndments to the House of Assembly for concur-
h the two foregoing receipts for public monies
evin Derrickson and Joseph Hazzard, and the
ouse of Assembly founded thereon, concurred

ing returned, reported the delivery thereof ac-

order,

m divers inhabitants of Appoquinimink Hun-
e to bring in a bill for embanking the marsh
orris's Branch, &c., the proceedings of the
y, and the bill founded on the said petition,
the first time.

o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

Mr. Bryan, a member of Assembly, was admitted and delivered to the Chair a circular letter from the President of Congress to the President of this State, inclosing an act of Congress, of the 14th January last, recommending to the Legislatures of the several United States to make provision for conferring like privileges and immunities on his most Christian Majesty as are granted to the subjects of these States by divers articles of the treaty of amity and commerce, with a bill proposed for that purpose; which was read the first time.

The committee to whom the bill for regulating prisoners of war was referred, now reported sundry amendments to the same; which, by order, were read, agreed to and ordered to be transcribed.

Ordered, That the foregoing bill and transcribed amendments be sent to the House of Assembly, by Mr. Polk, for concurrence.

On motion, by order,

The bill for embanking the marsh and cripple on Morris's Branch was read the second time and referred to Messrs. Hyatt and Polk, to report thereon.

On motion of Mr. Collins for leave of absence during the present sitting, the same was granted to him.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., April 12th, 1780.

The Council met. Present the same members as on yesterday, except Mr. Collins.

Mr. Patterson now appeared in the Council, and, in his place, made his excuse for non-attendnce; which, being admitted, he took his seat.

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The committee to whom the bill for embanking the marsh and cripple on Morris's Branch, &c., was referred, now reported sundry amendments to the same; which, by order, were read, agreed to and ordered to be transcribed.

Mr. Polk now reported the delivery of the papers committed to his charge, according to order of yesterday.

On motion, by order,

The bill for conferring certain privileges and immunities on the subjects of his most Christian Majesty, the King of France, was read the second time.

By special order, the same was read a third time by paragraphs and passed the Council.

Ordered, That Mr. Conwell wait on the House of Assembly with the foregoing bill, as agreed to by the Council, and the circular letter and act of Congress relative thereto; and also return to that House the bill for embanking the marsh and cripple on Morris's Branch, &c., and the transcribed amendments thereto, with the petition and proceedings of the House of Assembly accompanying the same.

Who, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., April 13, 1780.

The Council met. Present the same members as on yesterday.

Mr. Stidham, a member of Assembly, was admitted and presented to the Chair two petitions from the owners and possessors of the marsh on Red Lyon Creek, in New Castle County, with a resolution of the House of Assembly founded on the said petitions.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

On motion, by order, the petitions of the owners and possessors of the marsh and cripple on Red Lyon Creek, &c., and the resolution of the House of Assembly founded thereon, were severally read the first time.

By special order, the said resolution was read a second time, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., April 11, 1780.

"The House took into consideration the two petitions from "the owners and possessors of the Red Lyon Marshes respecting "the banks of the same, and after some time spent thereon,

"*Resolved*, That Robert Bryan and Thomas Duff, Esquires, "and Mr. Morton Morton be and are hereby appointed to go "upon the premises and view the same, and report to the "General Assembly the situation and circumstances of the said "marshes and banks, with their opinion thereon, after having "first given public notice of the time of meeting, in order that "the parties concerned may appear and offer any objections they "have against the petitions aforesaid.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Baning return the foregoing petitions and resolution to the House of Assembly, concurred in by the Council.

Mr. Baning, being returned, reported the delivery of the papers committed to him, according to order.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair the Clothier-General's accounts and vouchers, with the report of the committee thereon, and the resolutions of the House of Assembly founded on the same report.

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order, the foregoing report of the Committee the resolutions founded thereon, were severally

member of Assembly, was admitted and deliv- he bill for regulating prisoners of war, with the osed thereto by the Council agreed to in the se of Assembly, except as to the last amend- ey have proposed an addition.

o-morrow morning at 9 o'clock.

FRIDAY, A. M., April 14th, 1780.

t. Present the same members as on yesterday.

order,

of the House of Assembly on the report of the ounts, were read a second time, concurred in, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., April 11, 1780.

the Committee of Accounts was, by order, read and thereupon

at the several accounts of George Craghead, General, both for the expenditure of cash for he regiment and his expenses in conveying , with the vouchers, be referred for adjustment f Accounts.

dred and two pounds sixteen shillings and three d to Lieutenant William McKennan, to defray conveying clothing for the regiment of this

ndred and ninety-two pounds five shillings be ant Edward Roche, for issuing eight months

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"supplies, allowed by the General Assembly to the officers of "the aforesaid regiment.

"That eight hundred and ten pounds be paid to James Adams, "printer, for printing the laws passed at the last sitting of the "General Assembly, which were ordered to the press.

"That the Speakers of both Houses draw for the several sums "aforesaid on the State Treasurer.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

The Council took into consideration the additional amendment proposed by the House of Assembly to the amendment proposed by the Council to the bill for regulating prisoners of war, and agreed thereto.

Ordered, That Mr. Polk wait on the House of Assembly with the Clothier-General's accounts and vouchers, the report of the Committee of Accounts thereon, and the resolutions founded on the said report concurred in by the Council, together with the bill for regulating prisoners of war and the Council's amendments thereto, with the additional amendment proposed thereto by the House of Assembly acceded to by the Council.

Mr. Polk reported the delivery of the above papers according to order.

Mr. Cook, a member of Assembly, was admitted and delivered to the Chair an act of Congress, of the 25th February last, respecting supplies, with a bill for furnishing this State's quota of supplies for the ensuing campaign founded thereon.

On motion, by order, the foregoing bill was read the first time.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

t.

k into consideration the act of Congress calling States for their respective quotas of supplies for aign, and the bill founded thereon, and thereselves into a committee of the whole to con-

t the Chair.

ook the Chair of the Committee.

sumed the Chair.

reported from the committee that they had mendments to the said bill, which were read, reed to by the Council.

Mr. Conwell return the said act of Congress bill to the House of Assembly, with the paper oposed thereto by the Council, for their concur-

member of Assembly, was admitted and deliv- a petition from divers inhabitants of New Castle f Negro Peter, slave of Joshua North, of said ted to this State, under the laws thereof, and nissioners for Forfeited Estates, praying a re- the sum for which he sold, with a resolution Assembly founded thereon, and also the follow- notification respecting an adjournment, viz:

E OF ASSEMBLY OF THE DELAWARE STATE,

"FRIDAY, the 14th April, 1780.

at this House will adjourn to-morrow eve to

the minutes.

ouncil for their information.

"JAS. BOOTH, *Cl'k of Assembly.*"

o-morrow morning at 10 o'clock.

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SATURDAY, A. M., April 15th, 1780.

The Council met. Present the same members as on yesterday.

Mr. Conwell now reported the delivery of the papers committed to him, according to order of yesterday.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the report of the committee of the House of Assembly on the petition of William Powders; and also a resolution for prohibiting any member of the General Assembly from holding any office or appointment connected with army or navy contracts.

On motion, by order, the foregoing resolution was read the first time.

By special order, the same was read the second time, and an amendment was proposed and agreed to.

On motion, by order,

The petition in favor of Negro Peter, and the resolution of the House of Assembly founded thereon, were severally read the first time.

By special order, the said resolution was read a second time, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, P. M., 14th April, 1780.

"The petition of divers inhabitants of New Castle County in "behalf of a negro man, Peter, late the negro man slave of "Joshua North, of said county, forfeited to this State under the "laws thereof, and lately sold by the commissioners, praying "that the General Assembly of this State would remit part of "the sum for which the said negro man sold, so as to enable "him to raise the other part and be thereby set at his liberty, "was, by order, read a second time; and the House being well "informed that the purchaser of the said negro, Peter, was ac- "quainted with the contents of this petition and the application, "and was thereto agreed; thereupon

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imously, That the sum of money or price for egro man Peter sold at vendue as aforesaid be emitted, and the said negro man Peter manu- harged from bondage; on condition, neverthe- security be given to indemnify the county or ny cost, charge, or expense for the support or the said negro man Peter, in such manner as State direct.

he minutes. NICH'S VANDYKE.
rrence. Per JAS. BOOTH, *Cl'k.*"

Mr. Polk wait on the House of Assembly with ition and resolution, as concurred in by the with the resolution for prohibiting the members sembly from holding any office, &c., with the ents proposed thereto by the Council.

g returned, reported the delivery thereof ac-

order,

he committee on the petition of William Pow- allowed.

Mr. Hyatt return the same to the House of

urned, reported the delivery thereof according

nember of Assembly, was admitted and deliv- the bill for furnishing this State's quota of nsuing campaign, with the amendments pro- he Council, in part disagreed to by the House an amendment proposed by that House to the of the Council.

member of Assembly, was admitted and deliv- the resolution prohibiting the members of the from holding any office, &c., with the amend- ereto by the Council disagreed to by the House

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The same member also delivered an account
Latimer, Esquire, of his expenses, as a commissio
State, incurred in attending a convention in Philac
certaining a general limitation of prices, amounti
11 : 0. Also two accounts of Doctor Charles Ridg
cine administered to sundry soldiers, amounting in
£413 : 5 : 0.

Adjourned till 3 o'clock, P. M.

EODEM

The Council met.

The Council took into consideration the several
to the bill for furnishing this State's quota of supp
receded from such of their amendments to the sam
agreed to by the House of Assembly, and agreed
ment proposed by the House of Assembly to their

Ordered, That Mr. Baning return the said bill
ments to the House of Assembly.

Mr. Baning, being returned, reported the delive
cording to order.

Mr. Ridgely, a member of Assembly, was adm
livered to the Chair a petition from the officers of
Regiment, the report of the committee of the Hous
on the said petition, and a resolution of the House
founded on the said report, with the report of th
mittee of Accounts of December 21, 1779.

On motion, by order,

The accounts of Messrs. Latimer and Ridgely
allowed.

On motion, by order, the foregoing petition, rep
lution were severally read the first time.

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er, the foregoing resolution of the House of
d on the report of the committee, was read a
urred in, and is as follows, viz:

"In the House of Assembly,

"Saturday, 15th April, 1780.

ook into consideration the report of the com-
was referred the remonstrance of the officers
Regiment, and the petition of Major Nathaniel
hers, and thereupon agreed to the said report
ne respects the officers of the Delaware Regi-
motion,

t the President or Commander of the State be
npowered, from time to time during the recess
Assembly, to draw his orders on the State Trea-
the Clothier-General of the State for such sum
ey as may be necessary to enable him to pro-
h the officers aforesaid with the supplies and
ensuing year, in the said resolutions enumer-

the minutes. NICH'S VANDYKE.
urrence. Per JAS. BOOTH, *Cl'k.*"

order,

the Joint Committee of Accounts was read a
greed to.

Mr. Conwell return to the House of Assembly
tion of the officers of the Delaware Regiment,
committee thereon, and the resolution founded
rt, concurred in by the Council, together with
Joint Committee of Accounts, and the accounts
er and Charles Ridgely, Esquires, respectively
uncil.

eing returned, reported the delivery of the fore-
rding to order.

o-morrow morning at 10 o'clock.

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SUNDAY, A. M., April 16th, 1780.

The Council met. Present the same members as on yesterday, except Mr. Hyatt.

Mr. Stidham, a member of Assembly, was admitted and delivered to the Chair a petition from Preston Berry, for the discharge of his son from his enlistment into the Delaware Regiment, with a resolution of the House of Assembly founded thereon.

On motion, by order, the foregoing petition and resolution were severally read, and the said resolution was concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY, April 16, 1780.

"The House resumed the consideration of the petition of "Preston Berry, and thereupon

"*Resolved*, That Charles Berry, the son of the said Preston "Berry, be and he is hereby discharged from his enlistment with "the Delaware Regiment, in the service of the United States "of America, upon the payment to the recruiting officer of all "charges which have been necessarily incurred by the said "Charles Berry since his said enlistment.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Baning return to the House of Assembly the foregoing petition and resolution concurred in by the Council.

Mr. Baning reported the delivery thereof according to order.

Mr. Adams, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for affixing the Great Seal of this State to the several bills therein mentioned, together with the said bills therein referred to, and several orders, respectively signed by the Speaker of the House of Assembly, in order that the same may be compared and signed by the Speaker of the Council.

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On motion, by order, the foregoing bills were severally read and compared, and ordered to be signed by the Speaker of the Council; which was accordingly done.

Ordered also that the Speaker sign the above mentioned order; which was done accordingly.

On motion, by order,

The resolution for affixing the Great Seal of this State to the foregoing bills was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY, April 16, 1780.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of this State to the following laws, to wit:

1. "An act for conferring certain privileges and immunities on the subjects of his most Christian Majesty, the King of France, within this State;"

2. "An act for regulating prisoners of war brought into this State;"

3. "An act for the more effectual draining and improving the marsh, cripple and low lands on Morris's Branch, in Appoquinimink Hundred and County of New Castle, and for other purposes therein mentioned;"

4. "An act for furnishing supplies within this State for the Army of the United States for the ensuing campaign."

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Polk return the foregoing resolution, with the concurrence of the Council thereto, to the House of Assembly, together with the bills and orders above mentioned, respectively signed by the Speaker of the Council.

Mr. Polk, being returned, reported the delivery thereof according to order.

Then the Council took into consideration the accounts of their expenses incurred at this present meeting, and the following accounts were allowed, viz:

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	£	s.	p.
To Sarah Shankland, for dieting the members of Council,	1898	10	0
To Mrs. Margaret Kollock, for boarding one of the members of Council and their Clerk,	165	10	0
To Mr. John Wiltbank, for lodging Mr. Collins and keeping his horse,	262	1	0
To the Rev. Matthew Wilson, for boarding two of the members of Council,	327	5	0
To John Marsh, for keeping Mr. Conwell's horse,	136	0	0
To Anderson Parker, keeping Mr. Bassett's horse,	37	13	9
To Simon Edwards, Sergeant-at-Arms, &c., and for paying Mrs. Jones for the rent of her room for the Council,	271	5	0
To William Polk, Esq., for his traveling charges,	18	0	0
To Thomas Collins, Esq., for ditto,	45	0	0
To John Baning, Esq., for ditto,	30	0	0
To Samuel Patterson, Esq., for ditto,	220	5	0
To Peter Hyatt, Esq., for ditto,	150	0	0
To Benjamin Vining, Esq., Clerk of the Council,	307	17	6
	*£4569	7	3

Ordered, That the Speaker draw an order on the State Treasurer in favor of Sarah Shankland for the sum of £1898 : 10 : 0; and also that he draw an order in favor of John Clowes, Esq., for the sum of £1307 : 14 : 9, and separate orders for the remaining sum of £692 : 7 : 3.

Whereupon the said orders was immediately drawn and signed by the Speaker of the Council.

Then the Council adjourned till the 30th day of September next, to meet at the Town of Dover.

*This total, and the other figures given, are according to the record.

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MINUTES OF COUNCIL.

JUNE, 1780.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

CALLED SESSION, JUNE, 1780.

At a meeting of the Council at the Town of Dover, in the County of Kent, by a special order of the President, on Monday, the fifth day of June, in the year of our Lord one thousand seven hundred and eighty, a quorum of the members to compose an House not attending, the Council adjourned from day to day until Thursday, the 8th instant.

THURSDAY, June 8th, 1780.

The following members attended in the Council, viz :

For New Castle County—Samuel Patterson, Richard Cantwell, Peter Hyatt.

For Kent County—Richard Bassett, John Baning.

For Sussex County—The Honorable John Clowes, William Conwell.

Adjourned till to-morrow morning at 10 o'clock.

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FRIDAY, A. M., June 9th, 1780.

The Council met. Present the same members as on yesterday, and also Mr. Collins.

Mr. Patterson laid on the table a remonstrance from the pilots of Lewes-town, in the County of Sussex, praying that a law may be enacted for the better regulation of pilots, with articles of agreement entered into by the said pilots for that purpose.

On motion, by order, the foregoing remonstrance and agreement were severally read the first time.

The Speaker laid upon the table a petition of John Sheldon Dorman, praying an increase of toll for keeping the bridge over the Broadkill Creek, in Sussex County, in repair, &c.

On motion, by order, the foregoing petition was read the first time.

Mr. John Clark, a member of Assembly, was admitted and delivered to the Chair a message from his Excellency, the President, to the General Assembly, of the 8th instant, inclosing two letters from the President of Congress to the President of this State, of the 24th and 29th May, 1780, together with three acts of Congress of the 22d, 26th and 27th of the same month therein referred to.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the President's message, and the several acts of Congress therein referred to, were read the first time, and the said message is in these words, viz:

"*Gentlemen of the General Assembly:*

"A circular letter, of the nineteenth of May last, which I have "received from the President of Congress, with an act of that

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"honorable body of the same date, calling upon the several "States, from New Hampshire to Virginia, inclusive, to furnish "their quotas of ten millions dollars for immediate use, have, "from the importance of the subject, determined me, with the "advice of the Privy Council, to convene you at so early a day "after your last sitting, both because the most speedy compli- "ance with the act, and the most vigorous exertions in carrying "the same into execution, appear to be equally obvious and "essentially necessary. I have therefore directed the Secretary "to lay these papers before your Honors for immediate consid- "eration.

"Since issuing the writs for convening the General Assembly, "I have received a letter from the Committee of Coöperation, at "Morris-town, of the 25th ultimo, with a copy of a letter from "the Commander-in-Chief of our Army, and other papers of the "same date, which I have also directed the Secretary to lay be- "fore you; and am persuaded that the powerful naval and land "force expected here from his most Christian Majesty, our good "ally, to forward the operation of our arms, together with your "zeal and affection for the interest of your country, will lead you "to every exertion in your power consistent with the situation "and circumstance of the people you represent.

"The Secretary will deliver you an act of Congress, of the 22d "ultimo, for laying an embargo within this State.

"Gentlemen—I have this day received from the President of "Congress a letter of the twenty-ninth of May, with two acts of "that honorable body of the twenty-sixth and twenty-seventh of "the same month, the one recommending to the States where "any debts are due to their inhabitants from the Quartermaster's "and Commissary's Departments, by notes or certificates, to "make provision for discharging the same; the other adopting "measures to equip for sea the naval force of the United States, "promoting harmony, and forwarding the common views of "France and America; one other act of Congress of the first "instant, making further provision respecting such supplies as "any State may furnish other than, or over and above, their quota "of supplies required by the act of the twenty-fifth of February "last. These papers also the Secretary will lay before you for "your consideration.

"Dover, June 8, 1780. CÆSAR RODNEY."

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By special order, the foregoing message and its inclosures, were read a second time and ordered to the House of Assembly.

On motion, by order,

The remonstrance of the pilots in Lewes-town, and the article of agreement accompanying the same, were read a second time and ordered to be sent to the House of Assembly for their consideration.

On motion, by order,

The petition of John Sheldon Dorman was read a second time and ordered to be sent to the House of Assembly for their consideration.

Mr. Patterson is appointed to wait on the House of Assembly with the several foregoing papers.

Who, being returned, reported the delivery thereof according to order.

Mr. William Clark, a member of Assembly, was admitted and delivered to the Chair a letter from George Craghead, Esquire, Clothier-General of this State, of the 3d instant, respecting the supplying the officers of the Delaware Regiment with money in lieu of stores; which, by order, was read the first time.

Adjourned till to-morrow morning at 8 o'clock.

SATURDAY, June 10th, 1780.

The Council met. Present the same members as on yesterday.

Adjourned till Monday morning at 10 o'clock.

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MONDAY, P. M., June 12th, 1780.

The Council met. Present all the members, except Mr. Bassett.

Mr. Polk now appeared in the Council, and made his excuse, at his seat, for his non-attendnce at an earlier day in the sessions; which was admitted.

Mr. Vandyke, a member of Assembly, was admitted and delivered to the Chair a bill for furnishing the Continental Treasury with one hundred and thirty-two thousand eight hundred dollars, by loan, on the credit of the State.

On motion, by order, the foregoing bill was read the first time.

By special order, the same was read the second time and referred to Messrs. Patterson, Collins and Polk, to report thereon forthwith.

The committee to whom the said bill was referred now reported as their opinion that the same do pass.

Whereupon the said bill was read a third time by paragraphs and passed the Council.

Ordered, That the same be returned, by Mr. Conwell, to the House of Assembly.

Who, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 8 o'clock.

TUESDAY, A. M., June 13th, 1780.

The Council met. Present the same members as on yesterday.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a bill for the supporting, maintaining and keeping in good repair the causeway and bridge over Broadkill Creek,

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in Sussex County, with the petition of John S. Dorman, whereon the said bill was founded.

The same member also delivered the remonstrance and articles of agreement between the pilots at Lewes-town, with a bill for regulating the pilots within this State employed in piloting ships and other vessels through the Bay of Delaware.

On motion, by order,

The bill for supporting, maintaining and keeping in good repair the causeway and bridge over the Broadkill, &c., was read the first time.

By special order, the same was read a second time and referred to Messrs. Clowes, Collins and Polk, to report thereon this afternoon.

On motion, by order,

The bill for regulating the pilots within this State, &c., was read the first time.

By special order the same was read a second time and referred to Messrs. Patterson, Conwell and Hyatt, to report thereon this afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee to whom the bill for supporting and keeping in good repair the causeway and bridge over the Broadkill Creek, in Sussex County, was referred, now reported sundry amendments to the same bill; which, by order, were read, agreed to, and ordered to be transcribed.

The committee to whom was referred the bill for regulating the pilots within this State, employed in piloting ships and other ves-

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Bay of Delaware, now reported as their opinion pass.

e said bill was read a third time by paragraphs ouncil.

Mr. Polk wait on the House of Assembly with d bill and the amendments proposed thereto by heir concurrence; and also the bill for regulating his State, &c., agreed to by the Council.

to-morrow morning at 8 o'clock.

WEDNESDAY, A. M., June 14th, 1780.

et. Present the same members as on yesterday.

reported the delivery of the several papers com- cording to the order of yesterday.

3 o'clock, P. M.

EODEM DIE, P. M.

et.

member of Assembly, was admitted and deliv- a resolution empowering the Clothier-General icers of the Delaware Regiment with money in

ber also delivered a resolution of the House of sale of a quantity of steel, the property of the

order,

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The resolution empowering the Clothier-Genera
officers of the Delaware Regiment with money in
was read the first time.

By special order, the same was read the second
curred in, and is in these words, viz:

"IN THE HOUSE OF As
"WEDNESDAY, A. M., Ju

"It being represented to the House that the Re
"State having marched to join the Southern army
"General finds it almost impracticable to transmit
"of the said regiment the stores allowed them b
"Assembly, and that from the delay and wastag
"be unavoidable in conveying such stores to the
"during the present campaign, divers officers of
"requested that the Clothier-General be empowe
"the amount of such stores to the officers in mon

"*Resolved*, That George Craghead, Esq., Cloth
"this State, pay unto Major John Patten, of the
"the amount of the stores aforesaid, to be by
"Patten distributed to the officers of the said r
"proportion in which such stores are directed to
"by the General Assembly.

"Extract from the minutes. JAS. BC

"Sent for concurrence. *Cl'k of*

Ordered, That Mr. Baning return the same to
Assembly, concurred in by the Council.

Who, being returned, reported the delivery the
to order.

On motion, by order,

The resolutions for the sale of a quantity of stee
of this State, was read the first time.

By special order, the same was read the second
curred in, and is in these words, viz:

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"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., June 14, 1780.

"WHEREAS a considerable quantity of steel was heretofore "purchased for the use of this State, a considerable part whereof "is still on hand, part of which may be sold and the money aris- "ing thereby applied for the use of the State; therefore

"*Resolved*, That the President of the State be requested and "empowered to have so much of the said steel sold by public "sale for the greatest and best price that can be got for the same, "as he, in his opinion, may think can be spared.

"*Resolved*, That the money arising by such sale be by the "President paid into the hands of the State Treasurer, to be by "him applied towards the sum of one hundred and thirty-two "thousand eight hundred dollars, directed to be borrowed, on "the credit of this State, by the act entitled 'An act for furnish- "ing the Continental Treasury with one hundred and thirty-two "thousand eight hundred dollars, by loan, on the credit of this "State;' and that the President make return of such sale and "payment to the General Assembly at their next meeting.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Cantwell return the foregoing resolutions, with the concurrence of the Council thereto, to the House of Assembly.

Mr. Cantwell, being returned, reported the delivery thereof according to order.

Mr. Davis, a member of Assembly, was admitted and delivered to the Chair a bill for the payment and discharge of divers receipts, notes, or certificates, in the hands of inhabitants of this State, issued by Francis Wade, Esquire, Deputy Quartermaster-General within this State.

On motion, by order, the foregoing bill was read the first time.

Adjourned till to-morrow morning at 10 o'clock.

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THURSDAY, A. M., June 15t

The Council met. Present the same members as on
except Mr. Collins.

On motion, by order,

The bill for the payment and discharge of divers rece
or certificates, issued by Francis Wade, Esq., &c., wa
second time.

The same, by order, was read a third time by parag
sundry amendments were proposed and agreed to.

Ordered, That the said amendments be transcribed
with the said bill, to the House of Assembly, for concu
Mr. Polk.

Who, being returned, reported the delivery thereof
to order.

Adjourned till 3 o'clock, P. M.

EODEM DI

The Council met.

Mr. John Clark, a member of Assembly, was adm
delivered to the Chair a return of deserters from the
Regiment, confined in the public goal of Kent Co
January 1st, 1780, together with a petition of Benjam
keeper of the said goal, relative thereto, and a resolu
House of Assembly, founded thereon, for the paym
hundred and fifty pounds to the said Benjamin Crooks

On motion, by order, the foregoing petition and
were read the first time.

Adjourned till to-morrow morning, 8 o'clock.

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FRIDAY, A. M., June 16th, 1780.

The Council met. Present the same members as on yesterday, and also Mr. Collins.

Mr. Latimer, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill for furnishing the Continental Treasury with 132,800 dollars, by loan, on the credit of the State; the bill for the supporting, maintaining, &c., the bridge over Broadkill Creek, &c., with the amendments proposed thereto by the Council agreed to by the House of Assembly and made therein; and also the bill for regulating the pilots within this State, &c., engrossed and respectively signed by the Speaker of the House of Assembly, together with the originals, for comparison.

The same member also delivered to the Chair a resolution of the House of Assembly for affixing the Great Seal to the same bills.

On motion, by order,

The foregoing bills were severally read, compared and ordered to be signed by the Speaker; which was accordingly done.

On motion, by order,

The resolution for affixing the Great Seal to the three laws, was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, June 16th, 1780.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of the State to the following laws, to wit:

1. "An act for the furnishing the Continental Treasury with one hundred and thirty-two thousand eight hundred dollars, by loan, on the credit of the State;"

2. "An act for the supporting, maintaining and keeping in

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good repair the bridge over the Broadkill Cre
County, and for other purposes therein mentioned

3. "An act for regulating the pilots within t
ployed in piloting ships and other vessels throug
Delaware."

"Extract from the minutes. JAS. BC

"Sent for concurrence. *Cl'k of*

Ordered, That the foregoing bills, respectively
signed by the Speaker of the Council, together w
tion for affixing the Great Seal thereto, concurred i
cil, be returned to the House of Assembly by Mr.

Mr. Conwell reported the delivery thereof acco

On motion of Mr. Collins, for leave to bring i
repealing an act of Assembly entitled "An act for
and keeping up the causeway adjoining the cre
Murderkill, in Kent County," the same was grante
upon a bill for that purpose was laid on the table.

On motion, by order, the foregoing bill was read

Mr. Peery, a member of the House of Assembl
ted and delivered the bill for the payment and disch
receipts, notes, or certificates, &c., with the amendn
thereto by the Council acceded to by the House of
an additional amendment proposed to the first amen
House of Assembly.

On motion, by order,

The said bill, with the amendments, was read, a
acceded to the additional amendment of the Hous
and proposed a further amendment to their own
which was read, agreed to, and ordered to be trans

Ordered, That Mr. Cantwell return the foregoin
several amendments, to the House of Assembly
sideration and concurrence.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

On motion, by order, the petition of Benj. Crooks, and the resolution of the House of Assembly for the payment of one hundred and fifty pounds to the said Benj. Crooks, were severally read the second time, and the said resolution was concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., June 14, 1780.

"The committee to whom was referred the petition of Benj. "Crooks, keeper of the public goal of Kent County, report that "they find due to the said Benj. Crooks one hundred and fifty "pounds, for firewood furnished during the course of the last "winter to deserters from the Delaware Regiment in the service "of the United States, who were confined in the said goal, and "that the same be paid out of the public money of this State and "charged to the United States; to which the House agreed.

"*Resolved*, That the Speakers of both Houses draw an order "on the State Treasurer for the aforesaid one hundred and fifty "pounds in favor of the said Benjamin Crooks.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Mr. Cantwell now reported the delivery of the several papers given him in charge according to order.

Ordered, That the account and petition of Benjamin Crooks, and the resolution for the payment of £150 to the said Benjamin Crooks, be returned to the House of Assembly, concurred in by the Council, by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

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The bill for the repealing an act entitled "An act f
ing and keeping up the causeway adjoining the cre
Murderkill, &c.," was read the second time.

The same was, by order, read a third time, by par
passed the Council.

Ordered, That Mr. Collins deliver the foregoin
House of Assembly for their perusal and considerati

Mr. Collins reported the delivery thereof accordin

Mr. Adams, a member of Assembly, attending,
and delivered to the Chair an act to prohibit the e
provisions from this State beyond the seas for a limi

On motion, by order, the foregoing bill was read t

By special order, the same was read the second ti
mitted to Messrs. Collins, Polk and Patterson, to re
to-morrow morning.

Adjourned till to-morrow morning at 8 o'clock.

SATURDAY, A. M., June

The Council met. Present the same members as

Mr. Waples, a member of the House of Assembl
was admitted and delivered to the Chair a bill for the
of buildings erected upon lands of the inhabitants
for the use of the United States, &c.

The committee to whom was referred the bill fo
the exportation of provisions from this State, &c., r
an amendment thereto; which was read, agreed to,
to be transcribed.

Ordered, That Mr. Cantwell wait on the House
with the bill last mentioned and the transcribed ame

Mr. Cantwell reported the delivery thereof accord

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y order,

ie preservation of public buildings was read the

er, the same was read the second time, and or-
for consideration.

a member of the House of Assembly, attending,
id delivered to the Chair a petition from James
ry Latimer, surgeons in the army, for clothing,
esolution of the House of Assembly for furnish-
he said James Tilton and Henry Latimer.

by order, the foregoing petition and resolution
st time.

ler, the same were read a second time, and the
oncurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, A. M., June 17, 1780.

Congress, by their act of the 15th day of April
olved that any State which shall furnish the offi-
spital and medical staff belonging to such State
of the United States with such articles of cloth-
ficers are respectively entitled to by a resolution
f the 20th November, 1779, and make return
Clothier-General, shall have credit for such sup-
accounts with the United States; and whereas
nd Henry Latimer, senior surgeons in the army
States, have prayed the General Assembly of this
nished with clothing as aforesaid; therefore

hat George Craghead, Esq., Clothier-General of
uthorized and directed to furnish the said James
enry Latimer with such articles as by the said
rected, and make return thereof to the Clothier-
Army, according to the said resolution, and also

the minutes.
currence.

JAS. BOOTH,
Cl'k of Assembly."

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Ordered, That the foregoing petition and resolutio
in by the Council, be returned by Mr. Polk to the H
sembly.

Who, being returned, reported the delivery there
to order.

The Council now took into consideration the bill
ervation of public buildings, &c., and sundry amen
proposed, agreed to, and ordered to be transcribed
the House of Assembly, for their concurrence, by M

Who, being returned, reported the delivery there
to order.

Adjourned till 3 o'clock, P. M.

EODEM D

The Council met and adjourned till Monday mo
o'clock.

MONDAY, A. M., June 1

The Council met. Present the same members as
and also Mr. Bassett.

Mr. Peery, a member of Assembly, attending, w
and delivered to the Chair the bill for the preservati
buildings, &c., with the amendments proposed the
Council in part agreed to and in part disagreed to b
of Assembly.

The same member also delivered the bill to prohib
tation of provisions from this State, &c., with the

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by the Council acceded to by the House of As-
therein.

member of the House of Assembly, attending,
delivered to the Chair a bill for procuring an
of provisions within this State for the Army
es, &c., accompanied with an act of Congress
a letter from his Excellency, General Washing-
ittee of Coöperation, of the 25th May, and two
id committee, to the President of the State, of
2d June, 1780, on the subject of supplies.

ok into consideration the bill for the preserva-
dings and its amendments, and thereupon they
r first amendment, disagreed to by the House
adhered to their last, also disagreed to by that
se proposed additional amendments to the said
ead, agreed to, and ordered to be transcribed
with the said bill and the embargo bill, by Mr.
ouse of Assembly, and also the following mes-

o'clock, P. M.

EODEM DIE, P. M.

t.

order, the bill for procuring an immediate
ons, &c., together with the act of Congress
panying the said bill, were severally read the

r, the same bill was read the second time and
till to-morrow.

w reported the delivery of the several papers
charge according to order.

o-morrow morning at 7 o'clock.

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t recorded.

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TUESDAY, A. M., June 20

The Council met. Present the same members as on

The Council now took into consideration the bill fo
an immediate supply of provisions, &c., and sundry a
to the same were proposed, read, agreed to, and ord
transcribed.

Ordered, That Mr. Hyatt deliver the foregoing b
act of Congress and several letters accompanying th
gether with the transcribed amendments, to the House
bly for their consideration and concurrence.

Mr. Hyatt, being returned, reported the delivery o
said papers according to order.

Mr. Stidham, a member of the House of Assembly,
was admitted and delivered to the Chair a message fr
cellency, the President, inclosing copies of two lette
Excellency, General Washington, to the Committee o
tion, of the 11th and 12th instant, together with a
General Washington, of the 2d instant, to the Presid
State, respecting aids of Militia from this State; and
for embodying a number of Militia for the purpose
ing the Army of the United States.

On motion, by order,

The foregoing bill and message, with the several let
panying the same, were severally read, and the said
in these words, viz:

"*Gentlemen of the General Assembly:*

"Yesterday evening I received a letter from the Co
"Coöperation at Morris-town, dated the 12th instan
"with copies of two letters from his Excellency, Gen
"ington, to the committee; all which I have directed
"tary to lay before your Honors immediately, and as
"is very pressing, I am persuaded you will do everyth
"power, without the least delay, to answer his expect

"Dover, June 17, 1780. CÆSAR RO

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eave was granted to Mr. Polk to bring in a bill for
of the trade of this State; whereupon a bill for this
d on the table.

y order, the foregoing bill was read the first time.

l 3 o'clock, P. M.

EODEM DIE, P. M.

met.

y order, the bill for embodying a number of Mi-
te, &c., was read the second time.

as a third time by paragraphs read, and sundry
ereto were proposed, read, agreed to and ordered
ed.

at Mr. Polk deliver the said bill, with the trans-
ents, and the President's message and letters ac-
e same bill, to the House of Assembly.

eing returned, reported the delivery thereof ac-
er.

rk, a member of Assembly, attending, was admit-
ed to the Chair certain resolutions of that House
rms, &c.

by order, the foregoing resolutions were read the

y order,

he protection of the trade of this State was read
e and agreed to by the Council.

at the same be sent to the House of Assembly, for
ion and concurrence, by Mr. Cantwell.

n, a member of Assembly, attending, was admit-

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ted and delivered to the Chair the accounts of Cap
mouth, the superintendent of the recruiting service
ware Regiment, together with the reports of the con
House of Assembly and of the Auditor General on
counts, and the muster roll, dated 30th, 1780.

The same member also delivered to the Chair D
McCall's account for rent due him for ground wher
tinental stable in the Town of Dover is erected, with
of the House of Assembly empowering the Speaker
order in favor of the said Samuel for £280.

The several foregoing accounts, reports, and resol
ering the Speakers to draw an order in favor of S. M
by order, severally read the first time.

On motion, by order,

The resolution for procuring arms, &c., was rea
time, and some amendments were proposed thereto
read, agreed to, and ordered to be transcribed and
House of Assembly by Mr. Cantwell.

Mr. Cantwell, being returned, reported the delive
eral papers committed to him according to order.

Adjourned till to-morrow morning at 6 o'clock.

WEDNESDAY, A. M., June

The Council met. Present the same members as
except Mr. Bassett.

Mr. Vandyke, a member of the House of Assem
mitted and delivered to the Chair the resolution f
arms, &c., with the amendments proposed thereto b
acceded to by the House of Assembly.

The same member also delivered to the Chair
of the House of Assembly empowering the Presid

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e on the bay and river of Delaware for the protec-
le thereof.

by order,

on for procuring arms, &c., as amended, was read
in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, A. M., 20th June, 1780.

it may be necessary from time to time, during the
General Assembly, that the receivers of supplies
ive Counties of this State be furnished with money
enable them to proceed on the business assigned

That the President and Commander-in-Chief of the
hereby is empowered to draw his order on the
rer in favor of the said receivers respectively for
money as he may judge necessary to enable the
s to conduct the business with dispatch and ex-
which the said receivers are respectively to be
o the General Assembly.

so, That the President and Commander-in-Chief
powered and requested to write to the Board of
ure arms and other accoutrements for the use of
ndred and fifteen men required of this State, the
rocured on loan, or charged to the State, as may
eable to the said Board.

m the minutes. JAS. BOOTH,
ncurrence. *Cl'k of Assembly.*"

by order,

on empowering the President to fit out barges,
he first time.

der, the same was read the second time and con-
follows in these words, viz :*

---

is not recorded.

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Ordered, That Mr. Patterson return the two foreg
tions, with the concurrence of the Council to each
to the House of Assembly.

Mr. Patterson, being returned, reported the deli
same according to order.

On motion, by order,

The resolution empowering the Speakers to draw
favor of S. McCall for £280, was read the second t
jected.

On motion, by order,

The report of the committee of the House of A
Capt. Learmouth's accounts was read the second time
to, and is as follows, to wit:

"Your committee who were directed to converse
"Learmouth on the subject of his accounts, have ha
"ference, and thereupon beg leave to report: That
"ion of your committee the premium which was a
"resolution of the General Assembly, dated the — d
"1779, is now quite insufficient for the duty, and by
"ciation of our paper currency has become much le
"designed by the Legislature; therefore your comm
"opinion that the reward now to be allowed to Capt.
"for the recruiting service should be made equal to
"designed by the Assembly at the time of entering in
"lution aforesaid, and also that the reasonable expen
"Learmouth during his attendance for the settlemer
"counts ought to be paid by this State.

"Your committee, being further instructed to repo
"be the state of the accounts, do report that, after allo
"sums of money expended in taking up and securin
"and also for Capt. Learmouth's expenses going to
"and returning from Philadelphia, being sent there
"ernor for money, there appears due from the said
"mouth the sum of four thousand one hundred an
"dollars."

Ordered, That Mr. Baning return to the House o
Capt. Learmouth's muster roll and recruiting accoun

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committee thereon agreed to by the Council, and eneral's report, and also deliver the resolution em- Speakers to draw an order in favor of S. McCall for l by the Council.

reported the delivery of the aforesaid several papers rder.

he present mode of raising recruits to fill up the iment is found, by experience, not to answer the thereby intended; for the more easy and speedy egiment aforesaid, therefore

hat the President or Commander-in-Chief in this ime being may, and he is hereby authorized and appoint one or more suitable persons in each State, inhabitants thereof, to the recruiting service, e aforesaid.

so, That every person on the recruiting service, foresaid, shall be allowed one hundred and ninety able-bodied soldier he may enlist to serve during ho shall pass muster.

ditional bounty of two hundred dollars, over and hundred dollars allowed by Congress, be given to hat may be so enlisted.

esident advance, from time to time, to the persons out of the money in his hands for the recruiting), such sums as he may think necessary for the ce; and

sons appointed to the service aforesaid respectively lled upon by the President, account with him for es of all monies by them received for the aforesaid

hat Mr. Conwell deliver the foregoing resolutions of Assembly for their concurrence.

l, being returned, reported the delivery thereof rder.

member of Assembly, was admitted and delivered he account of Robert Crozier against the Delaware ices done, amounting to £306.

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The same member also delivered a resolution c
County Lieutenant to account for fines received; and
lution requesting the President to write to Congress.

On motion, by order,

The account of Robert Crozier was read, consid
lowed for the sum of two hundred and four pounds.

On motion, by order,

The resolution directing the County Lieutenant to
fines received, was read and concurred in, and is as f

"IN THE HOUSE OF ASSE
"WEDNESDAY, A. M., June

"On motion,

"*Resolved*, That the Lieutenants of the Counties
"General Assembly at their meeting in October
"fail, and render an account of the fines and for
"have received.

"*Resolved*, That the Clerk furnish each of them
"a copy of the above resolution.

"Extract from the minutes. JAS. BOC

"Sent for concurrence. *Cl'k of A*

On motion, by order,

The resolution requesting the President to write
&c., was read the first time and concurred in, and fol
words, viz:*

Ordered, That Mr. Cantwell return the foregoi
allowed by the Council, and the two last mentioned
with the concurrence of the Council to each respect
House of Assembly.

Mr. Cantwell reported the delivery thereof accordi

Mr. West, a member of Assembly, attending, w
and delivered to the Chair the following laws, en

* The resolution is not recorded in the minutes.

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ned by the Speaker of the House of Assembly, in
pared and signed by the Speaker of the Council,

r the preservation of public buildings, &c.;

argo bill;

r payment and discharge of divers receipts, &c.;

ly bill;

a bill;

esolution of the House of Assembly for affixing
of this State to the same.

he several foregoing bills were read, compared,
be signed by the Speaker; which was done ac-

y order,

n for affixing the Great Seal to the before men-
s read the first time and concurred in, and is as

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, June 21, 1780.

That the President and Commander-in-Chief affix
l of the State to the following bills, to wit:

or the preservation of buildings erected upon the
ants of this State for the use of the United States,
n buildings and lands in the United States during
r, and to punish persons for waste or trespasses
mitted thereon, and for other purposes therein

o prohibit the exportation of provisions from this
e seas for a limited time;"

for payment and discharge of divers receipts,
icates in the hands of inhabitants of this State,
cis Wade, Esq., Deputy Quartermaster General

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within this State for the Continental Army, and
assistants, for forage and other articles furnished by
said department for the public service ;"

4. "An act for procuring an immediate supply
within this State for the Army of the United States
and for other purposes therein mentioned ;"

5. "An act for embodying a number of the
State for the purpose of reinforcing the Army
States."

"Extract from the minutes. JAS. BO

"Sent for concurrence. *Cl'k of*

Ordered, That the foregoing bills, and the
affixing the Great Seal to the same, respectively
Speaker of the Council, be returned to the House
by Mr. Collins.

Who reported the delivery of the same according

Mr. Peery, a member of Assembly, was admitted
to the Chair the resolution empowering the Preside
one or more persons within this State for the recr
with the concurrence of the House of Assembly the

Ordered, That the Speaker sign an order in favo
son and Hazzard for the sum of one hundred pour
he draw an order in favor of James Adams for £53
Wilson and Butler for £156 : 5 : 0; and also in fa
min Crooks for £150 : 0 : 0 and £165 : 0 : 0, and
for £100 : 0 : 0.

Whereupon the aforesaid several orders were
signed by the Speaker of the Council.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

met and took into consideration the accounts of at the present session, and the following allowde, to wit:

s, for traveling expenses, as per bill,			
. . . . .	£ 72	0	0
tterson, for do. do., No. 2, ...	90	0	0
nwell, for do. do., No. 3, ...	85	0	0
t, for do. do., No. 4, ...	15	0	0
ntwell, for do. do., No. 5, ...	39	10	0
lk, for do. do., No. 6, ...	22	10	0
Vining, Clerk of the Council, as per			
, ...	337	2	6
rth, barber, as per bill, No. 8, . . .	75	0	0
tell, as per bill, No. 9, ...	3,142	12	6
	£ 3,878	15	0

at the Speaker draw orders on the State Treayment of the aforesaid sums.

the said orders was immediately drawn and signed .

ouncil adjourned to the 30th day of September t the Town of Dover.

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TES OF COUNCIL.

OCTOBER, 1780.

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AND PROCEEDINGS

OF THE

L OF THE DELAWARE STATE.

of the Council at the Town of Dover, on Friday, Anno Domini, 1780, a sufficient number of members not attending, the Council adjourned from Wednesday, November 1st, 1780.

WEDNESDAY, A. M., November 1st, 1780.

members appeared in the Council, viz :

tle County—Samuel Patterson, Richard Cantwell.

unty—Thomas Collins, John Baning.

County—William Conwell, William Polk.

the Sheriff and Inspectors for the County of New ction of a Councillor to fill the seat of Peter Hyatt, became vacant on the first day of October last by laid on the table, it appears that Thomas McDon- was elected a member of the Council for the said Castle, in the room of the said Peter Hyatt, on of October aforesaid.

ugh appeared in the Council.

of the Sheriff and Inspectors for the County of ection of a Councillor to fill the seat of Richard e, which became vacant on the first day of Octo-

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ber last by rotation, being laid on the table, it ap
Cook, Esquire, was elected a member of the Cou
County of Kent, on the second day of October af
of Mr. Bassett.

The return of the Sheriff and Inspectors for
Sussex of the election of a Councillor, being laid
appears that John Clowes, Esquire, whose seat be
the first day of October last by rotation, was reël
of the Council for the said County of Sussex, on
of October aforesaid.

Mr. Clowes appeared in the Council.

The Council then proceeded to the choice of
Thomas Collins, Esquire, was elected.

The Speaker being seated in the Chair, Mr. B
was chosen Clerk of the Council, and Benjamin
keeper and Sergeant-at-Arms.

Mr. McDonough and Mr. Clowes, the two mer
the last general election, took the oath and subsc
ration prescribed by the twenty-second article of
of this State, and then took their seats. [*See not*

Mr. Benjamin Vining, Clerk of the Council, a
House, took the oath and subscribed the declara
by the 22d article of the Constitution, and also t
office. [*See note on page 11.*]

On motion,

Ordered, That Messrs. Patterson and Clowes
to wait on the President and inform him that the
met, are ready to receive any business his Excel
to lay before them.

The committee, being returned, reported that t
on his Excellency, the President, according to o
ered the message committed to them, and that he
answer, to say, that he had laid his business befo
Assembly, and that the same, in its regular cour
before the Council.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

net.

a member of the House of Assembly, attending, nd presented to the Chair a letter from the Pre- ess, addressed to his Excellency, the President, f that honorable body, of the 12th and 24th Au- king provision for the officers of the army.

ember also delivered to the Chair a letter from his Excellency, the President, of the 12th Sep- ogether with a letter from Captain James Moore, omas Collins, Esquire, and the resolutions of the bly respecting the officers of the Delaware Regi-

by order, the foregoing letters, and the several nying the same, were read the first time.

l to-morrow morning at 10 o'clock.

THURSDAY, A. M., November 2d, 1780.

net. Present the same members as on yesterday.

y order,

ns of the House of Assembly respecting the offi- aware Regiment, were read a second time, and was proposed and agreed to.

at the same be transcribed, and that Mr. Patter- House of Assembly therewith, and also return the and the several acts of Congress of the 12th and elivered yesterday.

, being returned, reported that he had waited on ssembly with the said papers according to order.

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Mr. Collings, a member of the House of Assembl
was admitted and delivered to the Chair the resolut
ing the officers of the Delaware Regiment, with the
proposed thereto by the Council acceded to by the
sembly; which were read, as amended, and concurr
Council, and are as follows, viz :

"IN THE HOUSE OF ASSE

"TUESDAY, P. M., October

"The committee to whom were recommitted the
"acts of Congress of the 12th and 24th August, a
"from General Gist, reported an essay of the busi
"them ; whereupon, the same being read and conc

"*Resolved*, That an immediate supply of two m
"specie, be advanced by this State to each of the c
"Delaware Regiment who were made prisoners in
"the 16th of August last and now remain with the
"also to Capt. James Moore and Lieutenant John
"said regiment, who are now prisoners on Long
"that one months pay, in specie, be advanced to t
"cers of the said regiment, who have been in the s
"United States of America in the Southern Depart

"That, in order to procure the said sum, in sp
"five thousand dollars, in Bills of Credit, emitted
"be forthwith laid out by Samuel Patterson, Esqu
"Treasurer, in the purchase of a sum of money,
"the purpose aforesaid ; and that an order be d
"Speakers of the two Houses of the General Assem
"the said Treasurer to apply so much of the publ
"the use aforesaid ; and, as soon as the same sp
"obtained, that the State Treasurer pay such part
"hereinbefore allotted to the officers who have
"service of the United States in the Southern arm
"William McKennan ; or, in case of his death, o
"proceed to the army, to such other person as th
"surer may think proper, who is to be accountable
"eral Assembly for the disposition of the said mon
"the State Treasurer remit the part allotted to Ca
"and Lieutenant Hyatt in such way as he shall dee

"That the State Treasurer charge the Continer

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eighty-five thousand dollars as so much advanced
quota for the United States.

lothier-General of this State be directed to pur-
iately the necessary clothing and stores for the
oldiers, as well prisoners as others, belonging to
regiment, and have them forwarded, with all
eed, to the said officers and soldiers; and that
rawn on the State Treasurer in favor of the said
eral for the sum of fifty-five thousand dollars, to
perform that service; the said Clothier-General
th the General Assembly for the expenditure of
sum.

n the minutes. JAS. BOOTH,
ncurrence. *Cl'k of Assembly.*"

at Mr. Cantwell return the foregoing resolutions,
rence of the Council thereto, to the House of As-

d the delivery thereof according to order.

l 3 o'clock, P. M.

EODEM DIE, P. M.

met and adjourned to 10 o'clock to-morrow morn-

FRIDAY, November 3, 1780.

met and adjourned to 10 o'clock to-morrow morn-

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SATURDAY, A. M., Novemb

The Council met. Present all the members.

Mr. Cook, a member of the Council for the C
now appeared in the Council, took the oath and
declaration prescribed by the 22d article of the
this State, and then took his seat. [*See note on*

Mr. Peery, a member of the House of Assem
was admitted and delivered to the Chair a peti
sundry inhabitants of Sussex County, with a bill
divers persons concerned in the late insurrection
founded on the said petition.

The same member also delivered a resolution
Assembly respecting an adjournment; which, by
and is as follows, to wit:

"IN THE HOUSE OF
"FRIDAY, P. M., Nove

"On motion,

"*Resolved*, That it is the intention of this H
"the present sessions to-morrow evening to a d
"that Mr. Peery wait on the Council with a cop
"tion for their information.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k*

On motion, by order,

The petition from sundry inhabitants of Suss
the bill founded thereon, were severally read the

On motion of Mr. Cook, for leave to bring i
pending the operation of the tender bills for a l
same was granted, and a bill for that purpose
table, and, by order, read the first time.

On motion, by order,

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the relief of divers persons concerned in the late
Sussex County, was read the second time, and
Mr. Speaker, Mr. Clowes, and Mr. Patterson, to
this afternoon.

by order,

suspending the operation of the tender bills, was
time and referred to Messrs. McDonough, Cook,
port thereon.

l 3 o'clock, P. M.

EODEM DIE, P. M.

met.

a member of the House of Assembly, attending,
nd delivered to the Chair the President's message
Assembly, of the 25th ultimo, inclosing three cir-
m the President of Congress, an act of Congress,
gust, for ascertaining the rank of Governors; one
ember last, for facilitating the final ratification of
Confederation, and one of the 20th September,
w arrangement of the army, together with an act
ure of New York, and some proceedings of the
slatures of the States of Maryland and Virginia
Articles of Confederation.

ember also presented to the Chair a message from
o the General Assembly of the 28th October, in-
of Congress of the 10th of the same month, res-
nappropriated lands as may be ceded or relin-
United States by any particular State.

by order,

t's message of the 25th ultimo, and its inclosures,
read, and the said message is in these words, viz:

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"*Gentlemen of the General Assembly:*

"Divers acts of Congress, accompanied with ci
"from the President of that honorable body, and
"relative thereto, have been transmitted to me sinc
"the last session. These papers, from their natu
"tance to the welfare of the State indispensably
"attention of the Legislature, I have directed the
"lay before your Honors for your consideration,
"of the 6th ultimo, recommending measures to b
"the several States for facilitating the completion
"fication of the Articles of Confederation, with
"Legislature of the State of New York, and proce
"respective Legislatures of the States of Maryland
"relative to that subject; two acts of the 12th and 2
"last, making further provision for the officers ar
"the Continental Army, with recommendations t
"States; one, of the 25th of the same month, as
"rank of Governors or Presidents of the several
"they may act in the field together, or in conjunc
"Continental Army; one, of the 26th, earnestly r
"to the several States to take the most speedy
"means in their power for drawing in their respect
"the Continental Bills of Credit, to be destroyed
"exchanging for them new bills, pursuant to the
"the 18th of March last, that the whole of the new
"issued; also recommending to the several State
"taxes, payable in the new bills above mentione
"their respective quotas of three millions of doll
"to the apportionment of the 7th of October, 1
"the same into the Treasury of the United State
"possible, the payment to be duly completed by t
"December next; one, of the 20th of September la
"a new arrangement of the army; one, of the 29t
"month, recommending to the States respectively t
"Delegates with money for their support by othe
"drawing on the Treasury of the United States, e
"such cases as may render that mode indispensab
"and a proclamation of the 18th instant, recomme
"day, the 7th of December next, to be observed
"Thanksgiving and Prayer.

"I have also directed the Secretary to lay before

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d at the camp at Hillsborough on the 12th ultimo,
) me from Brigadier-General Gist, requesting a
othing and stores for the troops of this State in the
ny, and also money and necessaries to render com-
situation of such of our troops as were lately cap-
re now prisoners with the enemy.

tober 25, 1780. CÆSAR RODNEY."

by order, the President's message of the 28th ul-
act of Congress inclosed therein, were severally
aid message follows in these words, to wit:

the General Assembly:

st received from the President of Congress an act
rable body, dated the 10th instant, respecting such
ed lands as may be ceded or relinquished to the
s by any particular State pursuant to the recom-
f the 6th of September last, which I have directed
to lay before your Honors.

tober 28, 1780. CÆSAR RODNEY."

ttee to whom was referred the bill for the relief
ons concerned in the late insurrection in Sussex
reported an amendment to the same; which, by
d and agreed to.

nat the same be transcribed, and that Mr. Mc-
on the House of Assembly therewith for their
nd that he return the petition from the inhabitants
nty and the foregoing bill.

ough, being returned, reported that he had waited
of Assembly with the said papers according to

tee to whom the bill for suspending the operation
ills for a limited time was referred, rejected the said
ed a new bill, in lieu thereof, at the table; which,
read the first time.

rder, the same was read the second time.

was read a third time, by paragraphs, and passed

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Ordered, That the said bill be transcribed a
House of Assembly, for concurrence, by Mr. Pol

Who, being returned, reported the delivery th
to order.

Mr. Peery, a member of the House of Asser
was admitted and delivered to the Chair the bill
persons concerned in the late insurrection in Suss
a paper of amendments proposed by the House
the amendments proposed by the Council to the

The same member also delivered the resolution
of Assembly for facilitating the completion of the
ment; and presented to the Chair an account o
McKennan, amounting to four thousand two hun
the traveling expenses of himself, a sergeant and c
camp at Hillsborough to this State on the public
resolution of that House for the payment of th
4,200 dollars to Captain McKennan.

The same member also delivered the resolutio
of Assembly for the protection of the trade of th
and river.

The said member also delivered a proclamation
the 18th October, respecting the appointment o
7th day of December next, to be observed as a
giving and Prayer, with a resolution of that Ho
purpose.

The amendments proposed by the House of A
amendments proposed by the Council to the bill
divers persons concerned in the late insurrection
ty, were read, considered and agreed to.

Ordered, That Mr. Conwell return the said am
House of Assembly, agreed to by the Council, to
bill.

Who, being returned, reported that he had
House of Assembly with the said papers accordin

On motion, by order,

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s of the House of Assembly for facilitating the
e Delaware Regiment, were read the first time.

ler, the same were read a second time and con-
re as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, A. M., November 4, 1780.

taking into consideration the report of the com-
ng the filling up of the Delaware Regiment,

hat, in addition to the resolves of the late Gen-
made on the 21st of June last, the President or
-Chief be requested to issue his orders to such
of the said regiment as now are or shortly may
o this State, and not assigned to particular duty,
the enlisting of able-bodied men into the said
erve during the war, upon the terms prescribed
s aforesaid; and that the President recommend
s respectively a strict attention to this duty, as
rching after and apprehending any deserters that
the State.

o, That the President or Commander-in-Chief
ereby authorized and empowered to draw orders
reasurer for a sum or sums, not exceeding forty
rs, as a further supply for the service aforesaid.

the minutes. JAS. BOOTH,
currence. *Cl'k of Assembly.*"

y order,

McKennan's account, and the resolution for the
o dollars to Capt. McKennan, were read the first

der, the same were read a second time, the said
wed, and the said resolution concurred in, and is
o wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., November 4, 1780.

from William McKennan, a captain in the Dela-

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"ware Regiment, amounting to four thousand two
"lars, for the traveling expenses of himself, a serg
"soldier, from camp at Hillsborough to this State,
"service, was presented to the Chair, and, being
"sidered, was allowed.

"*Resolved*, That the Speakers of both Houses
"on the State Treasurer for the said sum of four
"hundred dollars in favor of the said Capt. Willia

"Extract from the minutes. JAS. BO

"Sent for concurrence. *Cl'k of*

On motion, by order,

The resolutions for the protection of the trade of
bay and river were read the first time.

By special order, the same were read a second
curred in, and are as follows, viz:

"IN THE HOUSE OF ASS
"SATURDAY, A. M., Novem

"WHEREAS the trade of this State on the Dela
"river hath been and still is interrupted and impe
"boats and cruisers from New York and elsewhere
"tion whereof

"*Resolved*, That the President or Commander-i
"he is hereby authorized to contract for and fit
"vessel, not exceeding sixty tons in burthen, wit
"boat or boats as he shall judge necessary to be w
"such vessel, and appoint and commission prop
"officers of the same vessels, assigning the numb
"and fixing their pay per day, over and above the
"prizes by them taken and prosecuted to conden
"Court of Admiralty of this State.

"*Resolved*, That the expenses which may be i
"carrying the foregoing resolve into execution
"and paid by this State.

"And to the end that an immediate supply of
"obtained for the purpose aforesaid,

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hat a sum not exceeding one hundred thousand rowed upon the credit of the State, and that the certificates to the person or persons lending the llowing form, to wit:

re State acknowledges the receipt of ———— ——— ———, for the payment whereof to the ——, his executors, administrators, or assigns, heir value now settled at the rate of seventy-five cie, on or before the twenty-fifth day of October erest at the rate of six per cent. per annum, the id State is hereby pledged according to the tenor olves of the General Assembly made at Dover November, 1780. Witness my hand the ——— , Anno Domini, 1780.

s the trade and commerce of the neighbouring nsylvania and New Jersey is affected and injured ations made by such armed boats and cruisers,

hat it be recommended to the President or Comief of this State that he apply, by way of letters, ve authority of the neighbouring States aforesaid id assistance in the protection of the general trade d river aforesaid by sending one or more armed service.

n the minutes. JAS. BOOTH,
ncurrence. *Cl'k of Assembly.*"

y order,

n for the appointment of a day of Thanksgiving read the first time.

der, the same was read a second time and con- as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, A. M., November 4, 1780.

Congress, by their proclamation dated the 18th er last, have recommended to the several States hursday, the seventh day of December next, to

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"be observed as a day of public Thanksgiving
"therefore

"*Resolved*, That Thursday, the seventh day
"aforesaid, be set apart throughout this State as a
"lic Thanksgiving and Prayer to Almighty God
"poses in the above-recited proclamation of Congr
"his Excellency, the President, be requested to pub
"by proclamation.

"Extract from the minutes. JAS. BOO

"Sent for concurrence. *Cl'k of*

Ordered, That the four last mentioned resolutio
concurrence of the Council respectively thereto,
Kennan's account, the proclamation of Congress, an
messages from the President, with their inclosures,
to the House of Assembly by Mr. Cook.

Mr. Cook, being returned, reported that he had
House of Assembly with the said papers according

Doctor Clayton, a member from the House
attending, was admitted and returned to the Chai
suspend, for a limited time, the operation of the se
Assembly of this State for making the Bills of
United States and of this State a legal tender in the
debts equal to gold and silver, with a paper of amen
posed thereto by the House of Assembly; which we
consideration and acceded to.

Ordered that the said bill be engrossed.

The said bill being engrossed, was, by order, re
pared.

Ordered, That the same be sent to the House of
Mr. McDonough.

Mr. McDonough, being returned, reported the del
according to order.

Mr. Young, a member of Assembly, attending,
and delivered to the Chair the bill for the relief of d
concerned in the late insurrection in Sussex County,
bill to suspend, for a limited time, the operation o

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ıbly of this State for making the Bills of Credit of tates and of this State a legal tender in the pay- equal to gold and silver, respectively signed by f the House of Assembly, with a resolution of that xing the Great Seal thereto.

member also delivered a resolution respecting an

hat the two foregoing bills be signed by the Speaker ; which was done accordingly.

by order,

ion for affixing the Great Seal thereto was read and and follows in these words, to wit :

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., November 4, 1780.

n,

That the President and Commander-in-Chief affix eal of the State to the following bills, to wit :

for the relief of divers persons concerned in the on in Sussex County ;"

to suspend, for a limited time, the operation of ts of Assembly of this State for making the Bills ne United States and of this State a legal tender in f debts equal to gold and silver."

om the minutes. JAS. BOOTH,
oncurrence. *Cl'k of Assembly.*"

by order,

ion respecting an adjournment was read and con- is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., November 4, 1780.

,

That the General Assembly of this State will meet n of New Castle on the day to which the present

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"sessions may be adjourned, and there sit to transa
"business.

"Extract from the minutes. JAS. BOO

"Sent for concurrence. *Cl'k of*

Mr. Duff, a member of the House of Assembly, a admitted and delivered to the Chair the accounts Kennan, Henry Nash, and Benjamin Crooks, for se which, by order, were read, considered and allowed, the account of Capt. McKennan, which the Council

Ordered, That the bills and resolutions before respectively signed by the Speaker of the Council, going accounts, be returned, by Mr. Conwell, to t Assembly.

Mr. Conwell, being returned, reported that he h the House of Assembly with the same according to

Adjourned to 8 o'clock to-morrow morning.

SUNDAY, A. M., November

The Council met. Present all the members.

Mr. Duff, a member of the House of Assembly, a admitted, and delivered to the Chair the following n their adjournment, viz:

"IN THE HOUSE OF ASS
"SATURDAY, P. M., Novemb

"On motion,

"*Resolved*, That this House will, at the time of "ment of the present sessions, adjourn the same "the fourth day of January next.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of*

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rder, was read.

took into consideration and allowed the following
ght in for the service of the State at this present

tell, for the expenses of the members

ncil,	£3,111	15	6
s, Esq., for his traveling expenses,	60	0	0
nwell, Esq., for ditto,	60	0	0
lk, Esq., for ditto,	30	0	0
cDonough, Esq., for ditto,	41	5	0
terson, Esq., for ditto,	80	7	0
ntwell, Esq., for ditto,	18	15	0
ining, Esq., Clerk of the Council,	311	5	0
rth, barber,	69	0	0
	£3,782	7	6

at orders be drawn, and signed by the Speaker,
easurer for the payment of the said sum.

orders were accordingly drawn and signed by the

uncil adjourned to Thursday, the fourth day of
o meet at the Town of New Castle.

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TES OF COUNCIL.

JANUARY, 1781.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1781.

At a meeting of the Council at the Town of New Castle, by adjournment, on Thursday, the fourth day of January, Anno Domini, 1781, a quorum of the members to form a House not attending, the Council adjourned from day to day till Saturday, the 13th instant.

SATURDAY, P. M., January 13th, 1781.

The following members attended, viz:

For New Castle County—Samuel Patterson, Richard Cantwell.

For Kent County—Thomas Collins.

For Sussex County—John Clowes, William Polk.

Ordered, That Mr. Patterson and Mr. Clowes be a committee to wait on his Excellency, the President, and acquaint him that the Council, having met, are ready to receive any business he may have to lay before them.

Adjourned till 12 o'clock on Monday.

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MONDAY, January 15th, 1781.

The Council met and adjourned to 10 o'clock to-morrow.

TUESDAY, P. M., January 16th, 1781.

The Council met. Present all the members, except Messrs. Baning, Polk, and Cook.

The committee appointed on Saturday last to wait on the President, now reported that they had waited on him, according to order, and delivered the message committed to them; when his Excellency was pleased, in answer, to say, that he had laid his papers before the House of Assembly, which, in course, would come before the Council; and at the same time expressed his wish that the General Assembly would give the important business now before them all possible dispatch.

Mr. Duff, a member of the House of Assembly, attending, was admitted and delivered to the Chair a message, of the 13th instant, addressed from the House of Assembly to his Excellency, the President, with his Excellency's message, in answer thereto, inclosing a return of the Receiver of Supplies for Sussex County, and also a resolution of the House of Assembly respecting the supplies.

The same member also delivered a resolution of the House of Assembly for the appointment of a committee to adjust the State Treasurer's accounts.

On motion, by order,

The foregoing message from the House of Assembly to his Excellency, the President, was read, and is as follows, to wit:

"A MESSAGE FROM THE HOUSE OF ASSEMBLY TO HIS EXCEL-
"LENCY, CÆSAR RODNEY, ESQUIRE, PRESIDENT AND COM-
"MANDER-IN-CHIEF OF THE DELAWARE STATE.

"*Sir*—The House of Assembly request you to inform them

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s of the supplies in kind ordered to be raised in
nin the last year have been collected in each of
f this State, and what the several species of those
and also what quantities of those supplies, and
species of them, have been delivered by the
ach County for the supply of the troops of the
, or any of them, as by the act for furnishing
n this State for the Army of the United States
g campaign, passed at Lewes-town, the 15th of
d also by the act for procuring an immediate
visions within this State for the Army of the
of America, and for other purposes therein men-
at Dover, the 21st June, 1780, is provided.

rder of the House of Assembly,

"NICHOLAS VANDYKE, *Speaker.*

13th January, 1781.

n the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

y order,

's message, in answer to the above, and its inclo-
ally read, and the said message is as follows, viz:

the Assembly:

o your message of the 13th instant, I beg leave
our Honors that the Receivers have sent me no
heir several appointments, except one from the
ussex County, which will be laid before you here-
ctly enjoined to it by my instructions, as well as
Assembly referred to, and therefore it is not in
give the House that information they wish to
o the collection and delivery of supplies. I be-
e collected considerable quantities, but have been
ted in the transportation thereof from the Coun-
nd Sussex by the refugee armed boats. The
lew Castle County informs me that for some time
t been able to carry on his business for want of a
ey.

"CÆSAR RODNEY.

January 15th, 1781."

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On motion, by order,

The resolution of the House of Assembly respecting the supplies, was read the first time.

By special order, the same was read a second time and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, January 15, 1781.

"It appearing to the House, by his Excellency, the President's answer to their message of the 13th instant respecting "the supplies directed to be raised and obtained in this State for "the use of the Federal Army, that no returns have been made "to him by the Receivers of Supplies in either of the Counties "of New Castle or Kent, and no return from the Receiver of the "County of Sussex since the 20th of September last,

"*Resolved*, That the President be requested forthwith to call "upon those several Receivers for returns of the quantities of "supplies raised or purchased within this State in the last year, "specifying the places where the same shall be deposited ; and "also returns of the quantities of those supplies by them respectively delivered for the use of the troops of the United States, "or any of them ; and that the most speedy and effectual measures be taken for the delivery or transportation of the residue "of those supplies for the use of the Federal Army.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolution for the appointment of a committee to adjust the State Treasurer's account was read the first time.

By special order, the same was read a second time and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., January 13, 1781.

"On motion,

"*Resolved*, That Mr. Latimer, Mr. Kollock, and Mr. Barratt "be a committee, on the part of this House, to join with a com-

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pointed by the Council, to settle and adjust the r's accounts, and to make report thereof forth-

the minutes. JAS. BOOTH,
currence. *Cl'k of Assembly.*"

n the Council do appoint Mr. Clowes and Mr. e a committee to join with the committee of the bly for the purpose above mentioned.

Mr. McDonough return the foregoing messages with the concurrence of the Council thereto res- House of Assembly.

10 o'clock to-morrow.

WEDNESDAY, January 17th, 1781.

met. Some of the members being on a com- cil adjourned to 10 o'clock to-morrow.

THURSDAY, A. M., January 18th, 1781.

et. Present all the members, except Messrs. Polk

3 o'clock, P. M.

EODEM DIE, P. M.

et and adjourned to 10 o'clock to-morrow.

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FRIDAY, A. M., January 19th, 1781.

The Council met. Present the same members as on yesterday.

The committee appointed to join with the committee of the House of Assembly to adjust the accounts of the State Treasurer, being still engaged in that business, the Council adjourned to 10 o'clock to-morrow.

SATURDAY, January 20th, 1781.

The Council met and adjourned to Monday morning.

MONDAY, A. M., January 22d, 1781.

The Council met, and having no business laid before them by the House of Assembly, adjourned from day to day until Saturday, the 27th instant.

SATURDAY, A. M., January 27th, 1781.

The Council met. Present all the members, except Mr. Cook.

Mr. McDonough now reported the delivery of the papers committed to him on Tuesday, the 16th instant, according to order.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

Mr. Houston, a member of the House of Assembly, attending, was admitted and delivered to the Chair a resolution of the House of Assembly for the appointment of a Committee of Public Accounts.

Mr. Collings, a member of the House of Assembly, attending, was admitted and delivered to the Chair a petition from Paul Quenoault, a lieutenant in the Delaware Regiment, with a resolution of the House of Assembly for the payment of four thousand dollars to the said Paul Quenoault.

On motion, by order,

The resolution for the appointment of a Committee of Public Accounts was read the first time.

By special order, the same was read a second time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., January 25, 1781.

"On motion,

"*Resolved*, That Mr. Clayton, Mr. Kollock, and Mr. White "be a Committee of Public Accounts, on the part of this House, "and that a copy of this resolution be sent to the Council, pro- "posing the appointment of a committee of their body to join "with the committee aforesaid.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly*."

And thereupon the Council have appointed Mr. McDonough and Mr. Polk to be a committee on their part to join with the committee of the House of Assembly for the purpose aforesaid.

On motion, by order,

The petition of Lieutenant Paul Quenoault, and the resolution founded thereon, were severally read the first time.

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By special order, the same were read a second time, and the following amendment was proposed to the said resolution, viz: To insert the word [six] before the word [thousand], instead of the word [four]; which was agreed to, and ordered to be transcribed.

Ordered, That Mr. Conwell return to the House of Assembly the resolution for the appointment of a Committee of Public Accounts, with the concurrence and appointment of the Council thereto; and also return the foregoing petition and resolution, with the transcribed amendment thereto.

Adjourned to Monday morning at 10 o'clock.

MONDAY, P. M., January 29th, 1781.

The Council met. Present the same members as on Saturday, except Mr. Patterson and Mr. McDonough.

Mr. Conwell reported the delivery of the several papers committed to his charge, according to the order of Saturday.

Mr. Cook, who had been absent, now appeared, and in his place made his excuse for his non-attendance; which was admitted.

Adjourned till to-morrow at 10 o'clock.

TUESDAY, A. M., January 30th, 1781.

The Council met. Present all the members, except Mr. Patterson.

Mr. Stout, a member of the House of Assembly, attending, was admitted and delivered to the Chair the resolution for the payment of four thousand dollars to Lieut. Quenoault, with the

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amendment proposed thereto by the Council acceded to by the House of Assembly.

On motion, by order, the foregoing resolution was read and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, A. M., January 29, 1781.

"By special order, the petition from Lieutenant Paul Queno-"ault, of the Delaware Regiment, was read the second time; and "thereupon

"*Resolved*, That the Speakers of both Houses of the General "Assembly draw an order on the State Treasurer in favor of the "said Paul Quenoault for the sum of six thousand dollars, for "which he is to be accountable.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly*."

Ordered, That Mr. Baning return the same resolution, with the concurrence of the Council thereto, to the House of Assembly.

Mr. Baning reported the delivery thereof according to order.

Adjourned to 10 o'clock to-morrow.

WEDNESDAY, January 31st, 1781.

The Council met and adjourned till to-morrow.

THURSDAY, February 1st, 1781.

The Council met. Present all the members.

There being no business before the Council from the House of Assembly, the Council adjourned from day to day until Saturday, the 3d instant.

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SATURDAY, February 3d, 1781.

The Council met. Present all the members.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Kollock, a member of the House of Assembly, attending, was admitted and delivered to the Chair an act of Congress, of the 20th March last, for repealing the tender law, and two other acts of that honorable body, of the 18th of the same month, on the subject of Finance, together with a bill entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the 18th day of March last, and for other purposes.

On motion, by order, the foregoing acts of Congress, and the said bill, were severally read the first time.

Adjourned till 10 o'clock on Monday next.

MONDAY, A. M., February 5th, 1781.

The Council met. Present all the members.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

On motion, by order, the bill entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the 18th day of March last, and for other purposes," was read the second time and deferred for consideration.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., February 6th, 1781.

The Council met. Present the same members.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Speaker laid before the Council a letter of the 3d instant, addressed from Mr. McKean (one of the Delegates for this State in Congress) to the Speaker of the Council; which, by order, was read, and ordered to be delivered by the Speaker to the Speaker of the House of Assembly, for their perusal and consideration.

The Council now resumed the consideration of the bill entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills

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of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the 18th day of March last, and for other purposes," and after some time spent therein the same was deferred till to-morrow.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., February 7th, 1781.

The Council met. Present all the members.

The consideration of the bill entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, &c.," was now resumed again, and sundry amendments were proposed, agreed to and ordered to be transcribed.

Ordered, That Mr. Cantwell wait on the House of Assembly with the said transcribed amendments, for their consideration and concurrence, and also return the said bill.

Mr. Cantwell reported that he had waited on the House of Assembly with the said papers according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned to 10 o'clock to-morrow.

THURSDAY, A. M., February 8th, 1781.

The Council met. Present all the members.

Mr. Waples, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act to recruit the Regiment of this State now in the service of the

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United States," together with two circular letters from the President of Congress, of the 6th and 26th October, 1780, inclosing two acts of Congress relative to the arrangement of the army, and the report of the House of Assembly thereon.

On motion, by order, the foregoing bill, and the papers accompanying the same, were severally read the first time.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill entitled "An act to recruit the Regiment of this State now in the service of the United States," was read the second time and referred to a committee of three, to report thereon to-morrow morning.

The members chosen: Mr. Clowes, Mr. McDonough, and Mr. Cook.

On motion of Mr. McDonough, for leave to bring in a bill for ascertaining the per diem wages of the members of the General Assembly of the Delaware State, the same was granted; whereupon a bill was laid on the table, and

On motion, by order, the same was read the first time.

Adjourned to 10 o'clock to-morrow.

FRIDAY, A. M., February 9th, 1781.

The Council met. Present all the members.

The committee to whom was referred the bill entitled "An act to recruit the Regiment of this State now in the service of the United States," now reported as their opinion that the same may pass.

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Mr. Duff, a member of the House of Assembly, attending, was admitted and delivered to the Chair a proposition from the House of Assembly for the nomination of persons to be balloted for as Delegates from this State to Congress for the ensuing year; and also persons to supply the place of Chief Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, in the room of John Jones, Esquire, deceased, and the place of fourth Justice of the said Court, in the County of Sussex, in the room of Isaac Smith, Esquire, deceased.

The same member also delivered to the Chair an account of William Peery, Esquire, against the State, amounting to five thousand three hundred and forty-four dollars, with the report of the committee of the House of Assembly thereon.

On motion, by order,

The proposition from the House of Assembly for the nomination of persons to be balloted for as Delegates from this State to Congress for the ensuing year, &c., was read the first time.

On motion, by order,

The account of William Peery, Esquire, against the State, for five thousand three hundred and forty-four dollars, and the report of the committee of the House of Assembly thereon, were severally read the first time, and the said account was rejected by the Council.

On motion, by order,

The proposition from the House of Assembly for the nomination of persons to be balloted for as Delegates to Congress, &c., was read the second time, and an amendment was proposed, agreed to, and ordered to be transcribed.

On motion, by order,

The bill entitled "An act to recruit the Regiment of this State now in the service of the United States," was read a third time, by paragraphs, and passed the Council.

Ordered, That the foregoing bill, with the several papers accompanying the same; the proposition from the House of Assembly for the nomination of Delegates from this State to Congress, &c., and the transcribed amendment thereto; and William Peery's

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account, as rejected by the Council, with the report of the committee of the House of Assembly thereon, be returned to the House of Assembly by Mr. Cook.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Cook now reported the delivery of the papers committed to him according to order.

Mr. Bassett, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for stating the accounts of the several Loan Offices and of Commissioners into whose hands any public monies have come by virtue of laws passed under the former Government, and for repealing part of an act entitled 'An act for the appointment of Trustees of the General Loan Offices in the respective Counties of this State.'"

The same member also delivered to the Chair the proposition from the House of Assembly for the nomination of persons to be balloted for as Delegates to Congress, with the amendment proposed thereto by the Council acceded to by the House of Assembly.

On motion, by order, the foregoing bill was read the first time.

On motion, by order, the foregoing proposition, as amended, was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., February 8th, 1781.

"On motion,

"*Ordered*, That Mr. Duff wait on the Council and propose to "them that both Houses of the General Assembly meet in the "State House, to-morrow evening, at three o'clock, for the pur-

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"pose of nominating persons to be balloted for as Delegates from "this State to Congress for the ensuing year; and also persons "to supply the place of Chief Justice of the Court of Common "Pleas and Orphans' Court for the County of New Castle, in the "room of John Jones, Esquire, deceased, and the place of fourth "Justice of the said Courts in the County of Sussex, in the room "of Isaac Smith, Esquire, deceased.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

Ordered, That Mr. Conwell return the same to the House of Assembly, with the concurrence of the Council thereto.

Who, being returned, reported the delivery according to order.

On motion, by order,

The bill entitled "An act for ascertaining the per diem wages of the members of the General Assembly of the Delaware State, was read the second time.

Mr. Peery, a member of the House of Assembly, attending, was admitted and delivered to the Chair a verbal information that the House of Assembly are now ready to receive the Council, in the State House, for the purpose of putting into nomination persons to be balloted for as Delegates from this State to Congress for the ensuing year; a Chief Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, and a fourth Justice of the said Courts in the County of Sussex, agreeable to their proposition of yesterday.

Then the Council proceeded to the State House and there met the House of Assembly for the purpose above mentioned.

Ordered, That Mr. Patterson, Mr. Latimer, and Mr. Kollock be a committee to wait on his Excellency, the President, and acquaint him that the General Assembly, having now met in the State House to put in nomination persons to be balloted for as Delegates from this State to Congress for the ensuing year, a Chief Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, and a fourth Justice of the said Courts in the County of Sussex, request his attendance, if he thinks proper.

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The committee, being returned, reported that they had waited on his Excellency, the President, and delivered the message committed to them, according to order, when he was pleased, in answer, to say that he would wait on the General Assembly immediately.

The President attended in the General Assembly, and proceeded with the members to put in nomination persons to be balloted for as Delegates from this State to Congress for the ensuing year, and to fill the vacancies in the Courts of Common Pleas and Orphans' Courts in the Counties of New Castle and Sussex; whose names were taken down for the consideration of the members of both Houses.

On motion,

Resolved, That the two Houses now separate, and meet again, in the State House, at 10 o'clock to-morrow morning, to ballot for persons to supply the above mentioned vacancies out of the persons now put in nomination.

Then the Council withdrew.

On motion,

Resolved, That the following verbal message be sent from the Council to the House of Assembly, viz:

Gentlemen:

The Council desire to see the several messages presented to the General Assembly this session by the President, in order that they may be able to judge of the business necessary to be done.

Mr. McDonough is appointed to deliver the above message; who, being returned, reported the delivery according to order.

On motion, by order,

The bill for ascertaining the per diem wages of the members of the General Assembly, was read the third time, by paragraphs, and agreed to by the Council.

Ordered, That Mr. Polk deliver the same to the House of Assembly for their consideration.

Mr. Molleston, a member of Assembly, was admitted and de-

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livered to the Chair the several messages present by the President, dated the 12th and 25th Januar and 7th of this instant, with the papers therein refe able to the request of the Council contained in the sage of this forenoon.

The same member also delivered a petition to th sembly in behalf of Charles Gordon, praying permi from New York to this State, accompanied with a l Nicholson respecting Mr. Gordon.

The same member also delivered to the Chair t pers and proceedings of the Court of Admiralty o New Jersey, respecting the removal of a vessel call Clinton, from Mispillion Creek, in this State, into l James Pollock and others.

The same member also delivered to the Chair a John Lewden, praying leave to bring in a bill to course of the road leading from New Castle to Chr with a bill for that purpose entitled "A further sup to the act entitled 'An act for the better regulatio in New Castle County.'

The same member also delivered a resolution o Assembly respecting an adjournment of the pres Monday, the 19th day of March next.

Adjourned till 9 o'clock to-morrow morning.

SATURDAY, A. M., February

The Council met. Present all the members.

Mr. Polk now reported the delivery of the bill f the per diem wages of the members of the Gen &c., to the House of Assembly, according to the terday.

Mr. Houston, a member of Assembly, was ad

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Chair a bill for protecting the trade of the Delaware
and informed the Council that the House of As-
ady to receive them in the State House for the
lloting for persons as Delegates from this State to
he ensuing year; and also for a Chief Justice of the
mon Pleas and Orphans' Court for the County of
d a fourth Justice of the said Courts for the County
eeable to the order of the day.

ouncil, agreeable to the order of the day, met the
mbly, in the State House, to ballot for persons to
ve mentioned places out of the persons before put

eneral Assembly proceeded to ballot for persons as
this State to Congress for the ensuing year, and
ng examined it appeared that Thomas Rodney,
ean, and Nicholas Vandyke, Esquires, were de-
cted.

hat Mr. McDonough, Mr. Duff, and Mr. Peery be
wait on his Excellency, the President, and inform
General Assembly have met in the State House for
f electing persons to supply the place of a Chief
Court of Common Pleas and Orphans' Court for
New Castle, and of a fourth Justice of the said
County of Sussex, and request his attendance at
if he thinks proper.

tee, being returned, reported that they had waited
nt with the message committed to them according
his Excellency was pleased, in answer, to say that
d the General Assembly immediately.

nt attended, and proceeded with the General As-
ot for persons to supply the said vacancies in the
mon Pleas and Orphans' Court in the Counties of
d Sussex.

the said balloting, on motion of Mr. Read,

hat the place of Chief Justice for the County of
supplied by the second Justice of the said Courts,

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and that the second, third and fourth Justices of the same Courts rise in the same progressive order, the one supplying the vacancy occasioned by the removal of the other;

Whereupon, the box containing the ballots being examined, it appeared that James Latimer, Esq., the present second Justice of the said Courts, was declared duly elected Chief Justice thereof; and John Thompson, Abraham Robinson, and Richard Cantwell Esquires, were declared duly elected second, third, and fourth Justices of the same Courts for the County of New Castle; and it also appeared that John Clowes, Esq., was declared duly elected the fourth Justice of the Court of Common Pleas and Orphans' Court for the County of Sussex.

Then the President withdrew, and the two Houses separated.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill for protecting the trade of the Delaware bay and river, was read the first time.

By special order, the same was read a second time and referred to a committee of three, to report thereon forthwith.

The members chosen: Mr. Patterson, Mr. Cook, and Mr. Clowes.

On motion, by order,

The several messages presented this session by the President to the General Assembly, were now read the first time.

On motion, by order,

The petition in behalf of Charles Gordon, and the letter from Joseph Nicholson, respecting Mr. Gordon, were severally read the first time.

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t Mr. Polk return to the House of Assembly the
s from the President to the General Assembly;
session, and the several papers relative thereto,
olson's letter and the petition in behalf of Charles
at he deliver the following verbal message from
:

from the want of time and a variety of business
n, return the several messages presented to the
ly by the President, together with the several
thereto, except a letter from Mr. Nicholson and
ehalf of Charles Gordon.

e to whom was referred the bill for protecting the
aware bay and river, now reported as their opin-
e may pass.

he same was read the third time, by paragraphs,

That Mr. Polk return the said bill to the House

eturned, reported the delivery thereof according

member of the House of Assembly, was admitted
the Chair a resolution of the House of Assembly
r on the State Treasurer in favor of William Mil-
of fifteen thousand dollars, together with another
w an order on the State Treasurer in favor of the
llan for the sum of twenty thousand dollars.

y order,

of John Lewden, and the bill founded thereon,
rst time.

der, the same were read a second time and re-
nittee of three, to view the premises, and report
s thereon at their next meeting.

chosen: Mr. McDonough, Mr. Patterson, and

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On motion, by order,

The resolution of the House of Assembly e
the Speakers of the two Houses of the Genera
draw an order on the State Treasurer in favor of
for fifteen thousand dollars, was read the first time

By special order, the same was read a second
curred in, and is as follows, viz:

"IN THE HOUSE OF As
"SATURDAY, P. M., Febru

"On motion,

"*Resolved*, That the Speakers of the two Hou
"eral Assembly draw an order on the State Tr
"of William Millan, Receiver of Supplies for New
"for the sum of fifteen thousand dollars, the said
"to account with the General Assembly for the sa

"Extract from the minutes. For JAS. BC
"Sent for concurrence. WILLIA

On motion, by order,

The resolution empowering the Speakers of the
draw an order on the State Treasurer in favor of
liam Millan for the sum of twenty thousand dolla
first time.

By special order, the same was read the secon
curred in, and is as follows, viz:

"IN THE HOUSE OF Ass
"SATURDAY, P. M., Februar

"On motion,

"*Resolved*, That the Speakers of the two Hou
"eral Assembly draw an order on the State Treas
"William Millan, Receiver of Supplies for New
"for the sum of twenty thousand dollars, to enab
"cure barrels for flour now on hand; the sum th
"be replaced in the Treasury by New Castle Co
"ready provided for by an extra supply of provisi

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"county, and the said William Millan to account for the expen-
"diture thereof with the General Assembly.

"Extract from the minutes. For JAS. BOOTH, *Cl'k.*

"Sent for concurrence. WILLIAM PEERY."

Adjourned till next Monday morning at 10 o'clock.

MONDAY, A. M., February 12th, 1781.

The Council met. Present all the members, except Messrs. McDonough and Baning.

Ordered, That Mr. Conwell return to the House of Assembly the two resolutions empowering the Speakers of the two Houses to draw orders on the State Treasurer in favor of William Millan for the respective sums of fifteen thousand and twenty thousand dollars, with the concurrence of the Council severally thereto.

On motion,

Resolved, That the Speakers of the two Houses of the General Assembly draw an order on the State Treasurer in favor of Isaac Carty, Receiver of Supplies for Kent County, for the sum of ten thousand dollars, to enable him to procure barrels for flour now on hand; the sum thus drawn for to be replaced in the Treasury by Kent County, if not already provided for by an extra supply of provisions by the said county, and the said Isaac Carty to account for the expenditure thereof with the General Assembly.

Ordered, That the same be transcribed and sent, with the two foregoing resolutions, to the House of Assembly for their consideration and concurrence, by Mr. Conwell.

Who, being returned, reported the delivery of the said papers according to order.

On motion, by order,

The bill for stating the accounts of the several Loan Offices

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was read the second time and referred to Messrs. Clowes, Cantwell, and Cook, to report thereon.

The committee to whom the foregoing bill was referred, now reported some amendments thereto; which were read, agreed to, and ordered to be transcribed.

Ordered, That Mr. Patterson return the foregoing bill, with the transcribed amendments, to the House of Assembly for concurrence.

Mr. Patterson reported the delivery thereof according to order.

The Council now put in nomination persons for a Privy Councellor, in the room of Eleazar McComb, Esquire, whose seat is become vacant by rotation, when several persons were named for consideration, to be balloted for in the afternoon.

Adjourned till 4 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and proceeded, agreeable to the order of the day, to ballot for a Privy Councillor, in the room of Eleazar McComb, Esq., out of the persons before put in nomination, and it appeared, upon examining the ballots, that Isaac Griffith was declared duly elected.

Mr. Young, a member of Assembly, was admitted and returned to the Chair the bill for ascertaining the per diem wages of the members of the General Assembly of the Delaware State, and for other purposes therein mentioned, with the following resolution of the House of Assembly thereon, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, A. M., Feb. 12, 1781.

"On motion for a second reading of the bill entitled 'An act "for ascertaining the per diem wages of the members of the "General Assembly of the Delaware State, and for other pur- "poses therein mentioned,'

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"*Resolved*, That the same, being a money bill for the support "of Government, ought to have originated in the House of As- "sembly, agreeable to the sixth section of the Constitution of "this State, and that House cannot proceed upon the bill afore- "said.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly*."

The same member also delivered to the Chair a bill in lieu of the preceding, entitled "An act for ascertaining the allowance to members of the General Assembly, and for other purposes."

On motion, by order, the foregoing bill was read the first time.

By special order, the same was read the second time.

The same was read a third time, by paragraphs, and will pass.

Ordered, That the foregoing bill be returned to the House of Assembly, agreed to by the Council, by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a resolution of that House for accelerating the collection of the public taxes, and a resolution for stating public accounts.

The same member also delivered to the Chair a resolution respecting the payment of certificates, &c.

The same member also delivered to the Chair a resolution respecting supplies to be purchased in the respective Counties of this State, and also a resolution directing the mode of payment in the Treasury.

On motion, by order, the foregoing resolutions were severally read the first time.

By special order, the resolution for accelerating the collection of the public taxes, was read the second time and concurred in, and is in these words, viz:

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"IN THE HOUSE OF ASSEMBLY,
"MONDAY, Feb. 12, 1781.

"On motion,

"*Resolved*, That the President be requested to order the At-
"torney General to commence suits immediately on the bonds
"of such Treasurers as have not performed the duties required
"of them respectively by law, and also, upon the second day of
"April next, to commence suits on the bonds of such Collectors
"as shall not by that day have collected their respective quotas
"of the public taxes now due and paid the same to the Treasurer
"of their County; and that copies of this resolve be forthwith
"transmitted to the President or Commander-in-Chief and the
"respective Treasurers within this State, and that the County
"Treasurers respectively, as soon as may be after the receipt of
"such copies, make out and transmit duplicate copies to each
"Collector of his County.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolution for stating public accounts was read the second time, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, Feb. 12, 1781.

"*Resolved*, That William Peery, Esq., be and hereby is ap-
"pointed to settle and state all the accounts between this State
"and the United States, and that for effectually executing this
"resolution he be empowered to call for books and papers relat-
"ing to the said accounts which have come to the hands of any
"person or persons in public office; that he make his report to
"the General Assembly as soon as may be, returning therewith
"as many original vouchers as can be procured, and where such
"cannot be procured, returning authentic copies, or other the
"best documents that can be obtained, indorsing and arranging
"them in regular order.

"That the said William Peery be allowed one hundred pounds,

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be emitted on the credit of this State, for perform-
s required by this resolve.

m the minutes. JAS. BOOTH,
ncurrence. *Cl'k of Assembly.*"

by order,

on respecting the payment of certificates was read
e, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, Feb. 12, 1781.

That no directions be given by the State Treasurer
urers of the respective Counties of this State, or
to receive and discharge the receipts, notes, or
nentioned in an act entitled 'An act for the pay-
charge of divers receipts, notes, or certificates in
inhabitants of this State, issued by Francis Wade,
Quartermaster-General within this State for the
Army, and his agents or assistants, for forage and
furnished by them to the said department for the
e,' until he receive the further orders of the Gen-
y for that purpose.

m the minutes. JAS. BOOTH,
ncurrence. *Cl'k of Assembly.*"

by order,

on respecting the purchasing supplies in the res-
s, &c., was read the second time and concurred
lows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, Feb. 12, 1781.

That the Receivers of Supplies in the respective
his State, and every of them, forbear all further
issuing of certificates by virtue of the act entitled
rocuring an immediate supply of provisions within

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"this State for the Army of the United States of America, and "for other purposes therein mentioned.'

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolutions directing the mode of payment in the Treasury were read the second time and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,

"MONDAY, Feb. 12, 1781.

"On motion,

"*Resolved*, That all drafts made or to be made by the General "Assembly upon the Treasury shall be paid by the State Trea- "surer in order, according to the priority of their respective "dates, unless by special directions of the General Assembly "some of a later date be preferred to others of an earlier date; "and that at the end of every session the Clerk of the House of "Assembly deliver to the said Treasurer an abstract of all drafts "made during that session and copies of all special directions for "preferences aforesaid.

"That the drafts in favor of George Craghead, Esq., Clothier- "General, for fifty-five thousand dollars, and the order drawn by "the Speakers of the two Houses of the General Assembly to "enable the State Treasurer to apply eighty-five thousand dol- "lars in the purchase of specie for an advance of pay to the "officers of the Delaware Regiment; the draft in favor of Wil- "liam Millan for twenty thousand dollars, and another in favor "of the same for fifteen thousand dollars, and the draft in favor "of Isaac Carty for ten thousand dollars, to be paid and applied "by the State Treasurer, one after the other as they are men- "tioned in the resolve, in preference to any draft heretofore "made by the General Assembly or the President.

"*Resolved*, That the State Treasurer withhold all further pay- "ments of the two-thirds of the public tax to the Continental "Treasury by virtue of the act entitled 'An act for furnishing "supplies within this State for the Army of the United States for "the ensuing campaign.'

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

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: Mr. Cook return to the House of Assembly
going resolutions, respectively concurred in by

ing returned, reported the delivery thereof ac-

nember of Assembly, was admitted and delivered
solution for affixing the Great Seal to the several
session, together with the said bills therein men-
ely engrossed and signed by the Speaker of the
bly, in order that the said bills may be signed by
he Council.

nber also delivered to the Chair a resolution for
of the General Assembly to Dover; and also
lution of the Council empowering the Speakers
es to draw an order on the State Treasurer in
rty for ten thousand dollars, concurred in by the
bly.

order, the several bills above mentioned were
red, and directed to be signed by the Speaker;
dingly done.

y order,

for affixing the Great Seal to the foregoing bills
ncurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, Feb. 12, 1781.

hat the President and Commander-in-Chief affix
of this State to the following laws, viz:

or calling out of circulation and cancelling the
te, according to the present apportionment, of
redit emitted by Congress, and for emitting and
, according to the resolutions of Congress of the
ch last, and for other purposes;"

r the protection of the trade of this State on the
f Delaware;"

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3. "An act to recruit the Regiment of this State now in the service of the United States;"

4. "An act for stating the accounts of the several Loan Offices and of Commissioners into whose hands any public monies have come by virtue of laws passed under the former Government, and for repealing part of an act entitled 'An act for the appointment of Trustees of the General Loan Offices in the respective Counties of this State;'"

5. "An act for ascertaining the allowance to members of the General Assembly, and for other purposes."

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

On motion, by order,

The resolution respecting the adjournment of the General Assembly to Dover, was read the first time.

By special order, the same was read a second time, and some amendments were proposed, agreed to, and ordered to be transcribed.

Ordered, That the several foregoing bills, and the resolution for affixing the Great Seal to the same, respectively signed by the Speaker of the Council, be returned to the House of Assembly by Mr. Polk, together with the resolution respecting the adjournment to Dover, and the proposed amendments thereto.

Mr. Polk, being returned, reported the delivery of the foregoing papers according to order.

Ordered, That the Speaker sign a joint order in favor of Joseph Hazzard and Levin Derrickson for the sum of one hundred pounds; which was done.

Mr. Clark, a member of Assembly, was admitted and delivered to the Chair the resolution respecting the adjournment to Dover, with the amendments proposed thereto by the Council acceded by the House of Assembly.

The same member also delivered to the Chair a message from the President to the General Assembly, inclosing two acts of

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d and 7th instant, and a circular letter of the dent of Congress to the President of this State.

order,

of the House of Assembly respecting the ad- General Assembly to Dover, was read, as curred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, P. M., Feb. 12, 1781.

t the General Assembly of this State will meet Lewes, in the County of Sussex, on the day to nt sessions may be adjourned, and there sit to lic business.

the minutes. JAS. BOOTH,
urrence. *Cl'k of Assembly.*"

Mr. Conwell return the same to the House of red in by the Council.

eing returned, reported the delivery thereof r.

Messrs. Patterson, Baning, and Cantwell be a sider and report on the accounts brought in at ng, which have not yet been allowed, and that orders for the payment of the accounts already

following accounts, brought in for the traveling mbers, and other incidental expenses incurred ting, were allowed, and orders were accordingly e Treasurer for the payment of the same, and aker, viz:

Esquire, for the traveling charges of
Messrs. Cook and Collins, ... £176 0 0

rward, ... £176 0 0

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Brought over, ...	£ 176 0 0
To John Clowes, Esquire, for the traveling charges of himself and Messrs. William Polk and William Conwell, ...	641 12 6
To Benjamin Vining, Clerk of the Council, ...	860 19 9
To William Scott, for wood furnished the Council, .	131 5 0
To Thomas Titus, for his attendance on the Council, &c., ...	60 0 0
	£1869 17 3

Adjourned till to-morrow morning.

TUESDAY, A. M., February 13th, 1781.

The Council met. Present all the members, except Messrs. McDonough, Clowes, Conwell, and Polk.

The committee to whom the accounts of this meeting were referred, now reported as their opinion that the following accounts be allowed, viz :

To John Stockton, for boarding Mr. Conwell, . .	£ 417 15 0
To Mrs. Esther Mackey, for boarding Mr. Collins,	555 5 0
To Mrs. Margaret Bail, for boarding divers of the members and feeding their horses, ...	20,741 12 6
	£21,714 12 6

Which report being agreed to,

Ordered, That the Speaker draw orders on the State Treasurer in favor of the above mentioned persons for the sum annexed to their respective names.

Whereupon the said orders were accordingly drawn and signed by the Speaker.

Then the Council adjourned to the 28th day of May next, to meet at the Town of Lewes, in Sussex County.

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TES OF COUNCIL.

JUNE, 1781.

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AND PROCEEDINGS

OF THE

L OF THE DELAWARE STATE.

OURNED SESSION, JUNE, 1781.

of the Council, at the Town of Lewes, in Sussex journment, on Monday, the 28th day of May, 1781, a sufficient number of the members to form ttending, the Council adjourned from day to day he fifth day of June, 1781.

TUESDAY, P. M., June 5th, 1781.

met. Present the following members, viz:

tle County—Mr. Cantwell, Mr. McDonough.

unty—The Hon. Thomas Collins, Mr. Baning.

County—Mr. Polk, Mr. Conwell.

y order,

t's message to the General Assembly, of the 12th t, delivered at their last meeting, inclosing two s of the 3d and 7th of the same month, recom- several States to invest Congress with a power to

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levy certain imposts therein mentioned, and also
ter from the President of Congress of the 8th of
severally read the first time, and the said messa
viz:

"*Gentlemen of the General Assembly:*

"Having this moment received a circular lett
"sident of Congress, with two acts of that h
"recommending to the several States to vest
"power to levy, for the use of the United States,
"in the said acts mentioned, I have directed the
"the same before your Honors for your consider

"New Castle, 12th Feb., 1781. CÆSAR

On motion, by order,

The petition in behalf of Charles Gordon, for
from New York to this State, and Mr. Nicholso
ered at the last meeting, were now read a second

Adjourned till to-morrow morning at 9 o'clock

WEDNESDAY, Ju

The Council met. Present the same members a

Adjourned till to-morrow morning at 9 o'clock

THURSDAY, A. M., Ju

The Council met. Present the same members
and also Mr. Clowes.

Messrs. Cantwell and McDonough, two of the
pointed at the last meeting to view the premises r
petition of John Leuden and report thereon at th

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of the Council, now begged a further time to view the same and report their proceedings thereon; which was granted. Whereupon they are indulged for this purpose until the next meeting of the Council.

On motion, by order,

The President's message of the 12th February last, and the papers referred to therein, were read a second time.

Ordered, That Mr. Clowes return the same to the House of Assembly, and inform them that as the said acts of Congress respect the levying of money, it would be inconsistent with the Constitution for the Council to act thereon in the first instance.

Mr. Clowes, being returned, reported the delivery thereof according to order.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a bill to aid the discontinuance of the process in the Court of Quarter Sessions of Kent County; which, by order, was read the first time.

By special order, the same was read a second time, and referred to Mr. Clowes, Mr. McDonough, and Mr. Cantwell, to report thereon in the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee appointed to report upon the bill to aid the discontinuance of the process in the Court of Quarter Sessions in the County of Kent, now report as their opinion that the same may pass.

Whereupon the same was read a third time, by paragraphs, and will pass.

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Ordered, That Mr. Conwell return the same
Assembly, and inform them that the Council hav

Mr. Conwell reported the delivery thereof ac

Adjourned till to-morrow morning at 10 o'clo

FRIDAY, A. M., J

The Council met. Present the same members

Mr. Waples, a member of Assembly, was a
livered to the Chair a bill for raising forty-five
in specie or supplies, for the service of the year
eral tax, with two circular letters of the 23d Ma
May, 1781, from the President of Congress, and
of Congress therein referred to, on the subject o

On motion, by order, the foregoing bill, an
panying the same, were read the first time.

By special order, the same were read the s
thereupon, on motion,

Resolved, That this House resolve itself into a
of the whole to consider of the same bill and th
papers.

Mr. Speaker left the Chair.

Mr. Conwell took the Chair of the Committee

Mr. Speaker resumed the Chair.

Mr. Conwell reported from the committee tha
considerable progress in the business referred t
sired leave to sit again in the afternoon.

Mr. Young, a member of Assembly, was ad
ered to the Chair a resolution of the House of A
ing the adjournment of the present session.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

net and proceeded, in a grand committee of the
nsideration of the bill for raising forty-five thou-
pecie or supplies, for the service of the year 1781,
.

left the Chair.

took the Chair of the Committee.

resumed the Chair.

reported from the committee that they had pro-
mendments to the said bill; which were taken
on, agreed to, and ordered to be transcribed.

a member of Assembly, was admitted and deliv-
ir a bill to dispose of sundry supplies in Sussex
by order, was read the first time.

at Mr. Cantwell return to the House of Assembly
ng forty-five thousand dollars in specie, &c., with
s proposed thereto by the Council, and the circu-
cts of Congress accompanying the said bill.

reported the delivery of the foregoing papers ac-
r.

y order,

spose of sundry supplies in Sussex County, was
time, and sundry amendments were proposed;
ad and agreed to, were ordered to be transcribed.

at Mr. McDonough wait on the House of Assem-
egoing bill and proposed amendments.

ugh reported the delivery thereof according to

member of Assembly, was admitted and returned
he amendments proposed by them to the bill for

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raising forty-five thousand dollars in specie, &
agreed to by the House of Assembly, except as
fourth amendment, and their fifth and sixth ame

Adjourned till to-morrow morning at 9 o'cloc

SATURDAY, A. M.,

The Council met. Present the same members

The Council now reconsidered the amendme
them to the bill for raising forty-five thousand
&c., and disagreed to by the House of Assembl
time spent therein, the further consideration wa

Adjourned till Monday morning at 10 o'clock

MONDAY,

The Council met. Present the same member
except Messrs. Polk and Conwell.

Adjourned till 3 o'clock, P. M.

EOD

The Council met and resumed the considerati
ments to the bill for raising forty-five thousand
&c., and receded from such of their amendmen
disagreed to by the House of Assembly, and pr

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ther amendments to the same bill; which, being agreed to, were ordered to be transcribed and sent to the House of Assembly, with the said bill and first amendments, by Mr. Baning, for their consideration and concurrence.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., June 12th, 1781.

The Council met. Present the same members as on yesterday, and also Messrs. Polk and Conwell.

Mr. Baning now reported the delivery of the several papers committed to him according to the order of yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., June 13, 1781.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., June 14th, 1781.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.

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EODEM

The Council met.

Mr. Duff, a member of Assembly, was admitted to the Chair the bill for raising forty-five thous specie, &c., with the further amendments propo the Council acceded to by the House of Assen amendments proposed thereto on the part of the sembly.

The same member also delivered to the Chair a bill to the act entitled "An act for calling out of cancelling the quota of this State, according to t portionment, of all the Bills of Credit emitted by for emitting and funding new bills, according to of Congress of the eighteenth day of March last purposes."

On motion, by order,

The bill for raising forty-five thousand dollars with the amendments proposed thereto by the C ceded to by the House of Assembly and made th the amendments proposed by the House of Assem bill, were read, and the said amendments were ag Council, and ordered to be returned, together wi to the House of Assembly, by Mr. Conwell.

On motion, by order,

The supplementary bill to the act entitled "An out of circulation and cancelling the quota of this S to the present apportionment, of all the Bills of Cr Congress, &c.," was read the first time.

On motion of Mr. McDonough, for leave to br way of supplement to the act entitled "An act for establishing fees," the same was granted; where that purpose was laid on the table, and, by orde time.

Adjourned till 8 o'clock to-morrow morning.

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FRIDAY, A. M., June 15th, 1781.

The Council met. Present the same members as on yesterday.

On motion, by order,

The supplementary bill to the act entitled "An act for calling out of circulation, &c.," was read the second time.

On motion, by order,

The bill by way of supplement to the act entitled "An act for regulating and establishing fees," was read a second time.

Mr. Conwell now reported the delivery of the several papers committed to him according to the order of yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the supplementary bill to the act entitled "An act for calling out of circulation, &c.," was read the third time, by paragraphs, and will pass.

On motion, by order,

The bill by way of supplement to the act entitled "An act for regulating and establishing fees," was read the third time, by paragraphs, and passed the Council.

Ordered, That Mr. Cantwell deliver the two foregoing bills to the House of Assembly.

Mr. Cantwell reported the delivery thereof according to order.

Adjourned till 10 o'clock to-morrow morning.

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SATURDAY, A. M., J

The Council met. Present the same members a

Mr. Young, a member of Assembly, was admi
ered to the Chair a bill for expediting the march
for the Delaware Regiment.

On motion, by order, the foregoing bill was rea

By special order, the same was read the second
poned for further consideration until the afternoon

Adjourned till 3 o'clock, P. M.

EODEM

The Council met and resumed the consideratio
expediting the march of the recruits for the Delav
and proposed an amendment thereto; which, be
was ordered to be transcribed.

Ordered, That Mr. Clowes wait on the Hous
with the foregoing bill and transcribed amendme
rence.

Mr. Clowes, being returned, reported that he
the House of Assembly with the above papers acc

Mr. Peery, a member of Assembly, was admi
ered to the Chair an additional supplementary b
act, together with the resolutions of the House c
recting that the first class of the Militia hold them
ness to march, and for procuring arms.

The same member also delivered to the Chair a
by a majority of the owners of the Mill Creek M
Castle County, with a bill founded thereon, entit
mentary bill to the act entitled 'An act to enable

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possessors of a certain tract of meadow, marsh and cripple, on both sides of Mill Creek, below the Town of New Castle, to keep the banks, dams and sluices in repair, and to raise a fund to defray the expense thereof, passed on the twenty-fourth day of March, in the year of our Lord one thousand seven hundred and seventy;' " the original act of the said 24th March, 1770; the report of the committee of the House of Assembly respecting the said banks, and an order to view the allotments thereof.

The same member also delivered to the Chair the bill for expediting the march of the recruits for the Delaware Regiment, with the amendment proposed thereto by the Council disagreed to by the House of Assembly.

The same member also delivered to the Chair a message from the President to the General Assembly, of the 7th instant, inclosing three letters from the President of Congress, of the 1st and 2d instant, and an act of Congress of the 31st ultimo.

On motion, by order,

The additional supplementary bill to the Militia act, was read the first time.

The Council now took into consideration the amendment proposed by them, and disagreed to by the House of Assembly, to the bill for expediting the march of the recruits for the Delaware Regiment, and after some time spent thereon receded therefrom; whereupon the said bill was read by paragraphs and will pass.

Ordered, That Mr. Polk return the said bill and amendment to the House of Assembly, and inform them that the Council have receded from their said amendment and have agreed to the said bill, and that he also return the President's message, and its inclosures, to the House of Assembly.

Mr. Polk reported that he had waited on the House of Assembly with the above papers, according to order.

On motion, by order,

The resolutions directing the first class of the Militia to hold themselves in readiness to march on the shortest notice, was read the first time.

Adjourned till Monday next at 9 o'clock.

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MONDAY, A. M., Ju

The Council met. Present the same members

On motion, by order,

The additional supplementary bill to the Milit the second time and postponed for consideration noon.

On motion, by order,

The supplementary bill to the act entitled "A the owners and possessors of a certain tract of and cripple on both sides of Mill Creek, below th Castle, to keep the banks, dams and sluices in re a fund to defray the expense thereof, &c.," and tive thereto, were read the first time.

By special order, the said bill was read the paragraphs, and will pass.

Ordered, That Mr. Conwell return the forego with the petition and other papers relative there of Assembly, and inform them that the Council the same bill.

Mr. Conwell reported the delivery of the abov ing to order.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly, notifying their intention to adjourn this evening, with a resolution for adjourning the present sessions to Dover, of the present instant; which, by order, were read.

The Council now resumed the consideration of the additional supplementary bill to the Militia act, and agreed to sundry amendments to the said bill, which were ordered to be transcribed and sent, with the said bill, to the House of Assembly, for their consideration and concurrence, by Mr. McDonough.

On motion, by order,

The resolution of the House of Assembly respecting the adjournment of the General Assembly to Dover, was read the second time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY, A. M., June 18, 1781.

"*Resolved*, That the General Assembly of this State meet at "the Town of Dover, in the County of Kent, on the day to "which the present session may be adjourned, and there sit for "the transaction of public business.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly*."

Ordered, That Mr. McDonough return the same to the House of Assembly, with the concurrence of the Council thereto.

Mr. McDonough now reported the delivery of the several papers given in charge to him according to order.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for affixing the Great Seal to six bills passed this session, together with the said bills respectively compared and signed by the Speaker of the

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House of Assembly, in order that the same may
signed by the Speaker of the Council.

The same member also delivered to the Chair
appropriating the sum of five hundred and fift
discharge of a public debt contracted by Henry
resolution for ascertaining the amount of certifi
furnished the Commissary's or Quartermaster's
the respective Counties for the use of the Contin

On motion, by order,

The resolutions directing that the first class o
themselves in readiness to march, and for proc
read the second time and concurred in, and are

"IN THE HOUSE O
"SATURDAY, P. M.,

"On motion,

"*Resolved*, That the President be requested t
"forthwith directing that the first class of the
"stand classed in the Militia law, hold themse
"to march on the shortest notice to such place
"Commander-in-Chief of the Continental Ar
"within the States, as directed by the aforesaid

"*Resolved also*, That he be requested to write
"War, informing them that this State have it n
"to arm, equip, and accoutre the regiment of M
"them by Congress, in their resolution of the
"that he request the said Board of War to le
"many arms and accoutrements as will be neces
"pose aforesaid.

"Extract from the minutes. JAS. I

"Sent for concurrence. *Cl'k*

On motion, by order,

The resolution of the House of Assembly for a
Seal to the laws passed this session, was read the

On motion, by order,

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n of the House of Assembly for appropriating the
dred and fifty pounds to the discharge of a debt
Henry Neill, was read the first time.

y order,

n of the House of Assembly for ascertaining the
ficates for supplies furnished the Commissary's or
Departments in the respective Counties of this
e of the Continent, was read the first time.

at Mr. Polk return to the House of Assembly the
cting that the first class of the Militia hold them-
ess to march, and for procuring arms, with the
the Council thereto.

ng returned, reported the delivery thereof accord-

y order,

n for affixing the Great Seal to the laws passed
s read the second time and concurred in, and is
viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, P. M., June 18, 1781.

That the President and Commander-in-Chief affix
l of this State to the following laws, viz:

ementary act to the act entitled 'An act to enable
possessors of a certain tract of meadow, marsh
both sides of Mill Creek, below the Town of New
the banks, dams and sluices in repair, and to raise
the expense thereof,' passed on the twenty-fourth
n the year of our Lord one thousand seven hun-
y;"

ementary act to the act entitled 'An act for calling
n and cancelling the quota of this State, according
pportionment, of all the Bills of Credit emitted by
or emitting and funding new bills, according to
of Congress of the 18th day of March last, and
ses;'"

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3. "An act for expediting the march of the re
the Delaware Regiment ;"

4. "An act for aiding the discontinuance of t
proceedings in the Court of General Quarter
Peace and Goal Delivery in Kent County ;"

5. "An act for raising seven thousand eigh
seventy-five pounds in specie for the service o
thousand seven hundred and eighty-one, by a ge

6. "An act to dispose of sundry supplies coll
County for the Army of the United States."

"Extract from the minutes. JAS. B

"Sent for concurrence. *Cl'k o*

On motion, by order,

The resolution for appropriating five hundred a
to the discharge of a debt contracted by Col. H
read the second time and concurred in, and is as

"IN THE HOUSE OF A
"MONDAY, J

"On motion,

"*Resolved*, That the General Assembly of this
"the sum of five hundred and fifty pounds, in sp
"first monies that shall come into the Treasury t
"discharging a contract entered into by Col. He
"certain Thomas Salte for that sum, in pursuan
"Assembly of the Delaware State, entitled 'An
"tection of the trade of the Bay and River of
"the legal interest arising on that contract.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k o*

On motion, by order,

The resolution for ascertaining the amount o
supplies furnished the Commissary's or Quartern
ments, &c., was read the second time and concur
these words, viz :

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"IN THE HOUSE OF ASSEMBLY,
"MONDAY, June 18, 1781.

,

That Col. Thomas Duff, of the County of New
p Barratt, of the County of Kent, Esq.; and Wil-
of the County of Sussex, Esq., be and they are
inted for the counties in which they respectively
vertise all such persons within their county as have
e Commissary's or Quartermaster's Departments
plies for the use of the Continent to bring the cer-
ther vouchers for the articles thus furnished, that
ve an opportunity of taking a copy of the dates
cates, the sums of money due, and the articles for
were given, that the same may be laid before the
embly at their next sitting.

om the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

a member of Assembly, was admitted and deliv-
air certain resolutions of the House of Assembly,
Receivers of Supplies in the respective Counties of
ake out exact and complete returns of the quanti-
s of supplies raised or purchased, &c.

ember also delivered certain resolutions, directing
fines and forfeitures imposed in the respective
eral Quarter Sessions of the Peace and Courts of
iner and General Goal Delivery in the respective
s State, to be laid, by the Clerks of the said Courts,
eral Assembly.

by order,

ons directing the Receivers of Supplies to make
rns of the quantities and species of supplies raised
were read the first time.

rder, the same were read the second time and con-
are as follows, viz :

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"IN THE HOUSE OF ASS
"MONDAY, P. M., JU

"On motion,

"*Resolved*, That the Receivers of Supplies, in
"Counties of the State, make out exact and com
"the quantities and species of supplies raised or p
"the act for furnishing supplies, within this Stat
"of the United States, &c., passed the 15th A
"under the act for procuring an immediate suppl
"within this State, for the army of the United Sta
"&c., passed the 21st day of June, 1780; specify
"where the same are, or may be deposited; and
"complete returns of the quantities and species of
"by them respectively delivered for the use of the
"together with receipts or certificates of such
"also that the said receivers respectively return
"the outstanding, uncollected supplies, as taxed
"first mentioned act, specifying the names of th
"whom they may be due, with the quantity and
"ply they may be rated for, and after transmit
"returns, aforesaid, to the General Assembly, at
"eleventh day of September next.

"That, at the time and place aforesaid, the Re
"plies for the Counties of New Castle and Ken
"render an account of the application of the s
"money advanced to them by the State Treasure
"of the resolutions and orders of the General As
"ruary last.

"Extract from the minutes. JAS. B

"Sent for concurrence. *Cl'k o*

On motion, by order,

The resolutions directing returns to be made
forfeitures imposed in any of the respective Co
Sessions of the Peace and the several Courts of
miner and General Goal Delivery in each of the
State, were read the first time.

By special order, the same were read the sec
curred in, and are as follows, viz:

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"IN THE HOUSE OF ASSEMBLY,
"MONDAY, P. M., June 18, 1781.

"On motion,

"*Resolved*, That the Clerks of the respective Courts of General Quarter Sessions of the Peace and also of the several "Courts of Oyer and Terminer and General Goal Delivery, in "each of the Counties of this State, make out exact and complete "lists of all fines and forfeitures imposed in any of the courts "aforesaid since the 22d day of February, 1777, and that the "respective County Treasurers report an account of all fines, "forfeitures and penalties which they may have received, under "or by virtue of any law of this State, since the time aforesaid, "and how they may have disposed of the same, or any part "thereof, and that the said Clerks and Treasurers transmit the "same lists and accounts to the General Assembly, at Dover, "by the third day of September next.

"*Resolved also*, That the respective Lieutenants of the Counties in this State do attend the General Assembly, at their next "sitting, at Dover, on the seventh day of September next, with "their books of accounts of all such monies which they may "or ought to have respectively received, in virtue of their said "office of Lieutenant, under the act of Assembly entitled, 'An "act for establishing a Militia within this State,' passed the 15th "of May, 1778, or under the supplement to the same act, passed "the 25th of December, 1779, and in what manner the same "monies, or any part, may have been disposed of or applied.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Mr. Collings, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly requesting the President to obtain exact lists of the several Militia companies in each of the Counties of this State; which, by order, was read the first time.

By special order, the same was read the second time and concurred in, and is as follows, viz:

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"IN THE HOUSE OF ASSEMBLY,
"MONDAY, A. M., June 18, 1781.

"*Resolved*, That the President or Commander-in-Chief be re-"quested to obtain exact lists of the several companies of Militia "in each of the Counties of this State, and also the names and "number of men furnished by each company, under the 'Act for "embodying the Militia of this State for the purpose of reinforc-"ing the Army of the United States,' passed the 21st of June, "1780, specifying the number of men which each of the com-"panies of Militia ought to have furnished, by the said act, and "that the same be laid before the General Assembly, at Dover, "by the tenth day of September next.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The six before mentioned bills, respectively signed by the Speaker of the House of Assembly, were read, compared, and directed to be signed by the Speaker of the Council; which was accordingly done.

Ordered, That the said bills and the several preceding resolutions, with the concurrence of the Council thereto respectively, be returned, by Mr. McDonough, to the House of Assembly.

Mr. McDonough, being returned, reported that he had waited on the House of Assembly with the above bills and resolutions, agreeable to order.

Adjourned till to-morrow morning at 9 o'clock.

TUESDAY, A. M., June 19th, 1781.

The Council met. Present the same members as on yesterday.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the additional supplementary bill to the Militia act, with the amendments proposed thereto by the Council in part

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disagreed to by the House of Assembly, and a paper of amendments proposed by the House of Assembly to the said amendments of the Council.

On motion, the Council took into consideration the amendments proposed by each House to the above mentioned bill, and after some time spent therein receded from their amendments as disagreed to by the House of Assembly, and agreed to the amendments proposed by that House to the same bill; whereupon the bill was read by paragraphs and passed the Council.

Ordered, That the said bill and amendments be returned to the House of Assembly by Mr. Polk.

Mr. Polk reported that he had returned the same according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Houston, a member of Assembly, was admitted and delivered the additional supplementary bill to the Militia act, engrossed and signed by the Speaker of the House of Assembly, together with a resolution for affixing the Great Seal to the said bill.

On motion, the foregoing bill was read, compared, and directed to be signed by the Speaker of the Council; which was accordingly done.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the foregoing bill was read and concurred in, and is as follows, viz:

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"IN THE HOUSE OF A
"TUESDAY, P. M.,

"On motion,

"*Resolved*, That the President and Comman
"the Great Seal of this State to the following l

"An additional supplementary act to the ac
for establishing a Militia within this State.'

"Extract from the minutes. JAS.

"Sent for concurrence. *Cl'k*

Ordered, That Mr. Polk return the foregoin
tion, respectively signed by the Speaker of th
House of Assembly.

Mr. Polk, being returned, reported the de
cording to order.

Then the Council proceeded to the settlement
wages and mileage incurred at this present me
count of their Clerk, and the following allowanc

To the Honorable Thomas Collins, Esq., as p
count, No. 1, ...
To John Baning, Esq., as per account, No. 2,
To Thomas McDonough, Esq., do., No. 3, .
To John Clowes, Esq., do., No. 4, ...
To William Conwell, Esq., do., No. 5, . . .
To Richard Cantwell, Esq., do., No. 6, . . .
To William Polk, Esq., do., No. 7, ...
To Benjamin Vining, Clerk of the Council, No.

Resolved, That the Speaker draw orders o
surer for the payment of the aforesaid respectiv

Which was accordingly done.

Mr. Cantwell and Mr. Clowes informed the
had received their commissions as fourth Justi

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of Common Pleas and Orphans' Courts for the Counties of New Castle and Sussex, and thereupon resigned their seats in the Council.

Whereupon

Ordered, That the Speaker issue writs to the Sheriffs of New Castle and Sussex Counties, directing them to hold an election on the first day of October next in each of the said counties, agreeable to the Constitution and Laws of this State, for the choosing of one new member in each of the said counties, in the room of the said Richard Cantwell and John Clowes, Esquires, whose seats have become vacant by their acceptance of the said offices.

Then the Council adjourned to the —— day of September next, to meet at the Town of Dover.

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MINUTES OF COUNCIL.

OCTOBER, 1781.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Legislative Council of the Delaware State, at the Town of Dover, in the County of Kent, on Saturday, the twentieth day of October, in the year of our Lord 1781, a quorum of the members not attending, the Council adjourned from day to day until Thursday, the 25th instant.

THURSDAY, A. M., October 25, 1781.

The following members attended, viz :

For New Castle County—

For Kent County—Thomas Collins.

For Sussex County—William Polk.

The return of the Sheriff and Inspectors for the County of New Castle, of the election of a Councillor to fill the seat of Samuel Patterson, Esq., which became vacant on the first day of October last by rotation, being laid on the table, it appears that John Dickinson, Esq., was elected a member of the Council for the County of New Castle, according to the Constitution and Laws of the State.

Mr. Dickinson appeared in the Council.

And it also appears, by a return of the said Sheriff and Inspec-

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Legislative Council of the Delaware State, at the Town of Dover, in the County of Kent, on Saturday, the twentieth day of October, in the year of our Lord 1781, a quorum of the members not attending, the Council adjourned from day to day until Thursday, the 25th instant.

THURSDAY, A. M., October 25, 1781.

The following members attended, viz :

For New Castle County—

For Kent County—Thomas Collins.

For Sussex County—William Polk.

The return of the Sheriff and Inspectors for the County of New Castle, of the election of a Councillor to fill the seat of Samuel Patterson, Esq., which became vacant on the first day of October last by rotation, being laid on the table, it appears that John Dickinson, Esq., was elected a member of the Council for the County of New Castle, according to the Constitution and Laws of the State.

Mr. Dickinson appeared in the Council.

And it also appears, by a return of the said Sheriff and Inspec-

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tors, that Peter Hyatt, Esq., was elected a member of the Council for the said County of New Castle, in the room of Richard Cantwell, Esq., whose seat became vacant by his acceptance of the office of fourth Justice of the Court of Common Pleas and Orphans' Court for the said County, on the said first day of October.

Mr. Hyatt attended.

The return of the Sheriff and Inspectors for the County of Kent of the election of a Councillor, being laid on the table, it appears that John Baning, Esquire, whose seat became vacant by rotation, was reëlected a member of the Council for the said County of Kent, on the first day of October last.

Mr. Baning attended.

The return of the Sheriff and Inspectors for the County of Sussex of the election of a Councillor, being laid on the table, it appears that William Conwell, Esquire, whose seat became vacant by rotation, was reëlected a member of the Council for the said County of Sussex, on the said first day of October.

And it also appears, by the same return, that John Polk, Esq., (of Broad Creek) was elected a member of the Council for the same County, on the said first day of October, in the room of John Clowes, Esq., whose seat became vacant by his acceptance of the office of fourth Justice of the Court of Common Pleas and Orphans' Court for the said County of Sussex.

Mr. Polk attended.

The Council then proceeded to the choice of a Speaker, and Thomas Collins, Esquire, was chosen.

The Speaker in the Chair, Mr. Benjamin Vining was appointed Clerk of the Council.

Mr. Dickinson took the affirmation, and Mr. Hyatt, Mr. Baning, and Mr. John Polk took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of the State, and then took their respective seats in the Council. [*See note on page 10.*]

Mr. Benjamin Vining also took the oath and subscribed the declaration above mentioned, and took the oath of office as Clerk of the Council. [*See note on page 11.*]

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at Mr. Dickinson and Mr. William Polk be a
ait on his Excellency, the President, and inform
uncil, having met, are ready to receive any busi-
nay have to lay before them.

l 3 o'clock, P. M.

EODEM DIE, P. M.

met.

ee now reported that they had waited on his Ex-
resident, with the message committed to them,
rder, and that he was pleased, in answer, to say,
nmunicated his business to the House of Assem-
n message, which he had ordered his Secretary to
, and that the same would, in order, be delivered

l to-morrow morning at 10 o'clock.

FRIDAY, October 26, 1781.

met. Present the same members as on yesterday.

l to-morrow morning at 10 o'clock.

SATURDAY, A. M., October 27, 1781.

net. Present the same members as on yesterday.

at Mr. Dickinson, Mr. Hyatt, and Mr. William

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Polk be a committee to revise the several M
State, and to bring in a bill for reducing them in
such alterations and amendments therein as may
dient.

Adjourned till Monday morning at 10 o'clock

MONDAY, A. M., Oc

The Council met. Present the same member
and also Mr. Cook.

Mr. Bassett, a member of Assembly, was ad
ered to the Chair certain resolutions of the Ho
for supplying the post at Christiana Bridge wit
forage.

On motion, by order, the preceding resolutio
first time.

By special order, the same were read the seco

The same were read a third time, by paragr
curred in, and are as follows, viz:

"IN THE HOUSE OF A
"SATURDAY, Oc

"WHEREAS it is expected that General Wa
"part of the army under his command, will sho
"this State, by the post at Christiana Bridge
"County; therefore, for the immediate supply
"such provisions and forage as may be wanti
"sion, it is

"*Resolved*, That Brigadier-General Patterson
"onel Henry Darby, Major James Black, and
"McClay, be authorized to procure and pur
"credit of the Delaware State, such provisio
"they, upon consulting with Deputy Quart

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ecessary for the supply of the army aforesaid in
through this State, not exceeding the sum of
pounds, specie, in its value.

lso, That the General Assembly will, before its
e ways and means for the discharge of the debts
racted, not exceeding the sum before specified, in
that the same may be due within four months
of contract.

so, That the gentlemen appointed to the service
der an account of their contracts and application
so to be obtained to the President or Command-
this State, as soon after as conveniently may be.

m the minutes. JAS. BOOTH,

ncurrence. *Cl'k of Assembly.*"

at Mr. William Polk return the preceding reso-
House of Assembly, with the concurrence of the

ll to-morrow morning at 10 o'clock.

TUESDAY, A. M., October 30th, 1781.

met. Present the same members as on yesterday.

v reported the delivery of the resolutions given to
agreeable to the order of yesterday.

ll to-morrow morning at 10 o'clock.

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WEDNESDAY, October 31, 1781.

The Council met. Present the same members as on yesterday.

The committee appointed to revise the several Militia laws of this State, and to bring in a bill for reducing them into one body, being engaged in that business, the Council adjourned till to-morrow morning at 9 o'clock.

THURSDAY, A. M., November 1st, 1781.

The Council met. Present the same members as on yesterday.

Mr. Conwell attended, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and then took his seat in the Council. [*See note on page 10.*]

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for the appointment of a Committee of Accounts.

On motion, by order, the preceding resolution was read the first time.

By special order, the same was read the second time, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, October 30, 1781.

"On motion,

"*Resolved*, That Mr. Latimer, Mr. Barratt, and Mr. Waples "be a Committee of Accounts, on the part of this House, and "that Colonel Duff wait on the Council with a copy of this reso-"lution, and propose the appointment of a committee of their "body to join the committee aforesaid.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly*."

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on the Council have appointed Mr. Cook and Mr.
e a committee of their body to join the committee
f Assembly above mentioned.

at Mr. Conwell return the said resolution to the
mbly, with the concurrence and appointment of
reto.

l to-morrow morning at 10 o'clock.

FRIDAY, November 2d, 1781.

met. Present the same members as on yesterday.

ee appointed to revise the several Militia laws of
to bring in a bill for reducing them into one law,
hat they had essayed a draught of a bill for that
was laid on the table for the consideration and
he Council.

y order, the foregoing bill was read the first time.

Mr. William Polk, for leave to bring in a bill for
ct against desertion and harbouring deserters, or
m in certain cases," the same was granted to him;
ll for that purpose was laid on the table, and, by
first time.

l to-morrow morning at 10 o'clock.

SATURDAY, November 3d, 1781.

met. Present the same members as on yesterday.

, a member of Assembly, was admitted and deliv-
air a message from the President of the 12th Feb-
closing a circular letter from the President of Con-

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gress of the 8th, and two acts of Congress of th
the same month, for laying an impost of five p
ported and prize goods, together with a letter fro
of the 27th July last, urging a compliance with t
a bill, proposed by the House of Assembly, fou
requisitions of Congress.

On motion of Mr. Dickinson, that a committ
be appointed to prepare and bring in a bill for p
committed by persons concerned in seizing and t
of the harbors and ports within this State, the sa
whereupon Mr. Dickinson, Mr. Conwell, and M
pointed a committee for that purpose.

Mr. Conwell now reported the delivery of the
appointment of a Committee of Accounts, accor
of Thursday last.

On motion, by order,

The President's message, and its inclosures
read, and the said message is in these words, viz

"*Gentlemen of the General Assembly:*

"Having this moment received a circular lett
"sident of Congress, with two acts of that
"recommending to the several States to ves
"power to levy, for the use of the United States
"in the said acts mentioned, I have directed the
"the same before your Honors for your conside

"New Castle, 12th Feb., 1781. CÆSAR

On motion, by order,

The bill to vest in Congress a power to levy a
ported and prize goods, &c., was read the first t

On motion of Mr. Wm. Polk, for leave of abs
day afternoon next, the same is granted to him.

Adjourned till Monday morning at 10 o'clock

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MONDAY, November 5th, 1781.

met. Present the same members as on Saturday, lliam Polk.

tee appointed to prepare and bring in a bill for nces committed by persons concerned in seizing sels out of the ports and harbors of this State, now hey had essayed a draught of a bill for that pur- vas laid on the table, for the consideration and the Council.

oy order, the foregoing bill was read the first time.

oy order,

Congress of the 3d and 7th of February last, to the several States to vest in Congress a power on imported and prize goods, and the bill founded severally read the second time.

ll to-morrow morning at 10 o'clock.

TUESDAY, A. M., November 6, 1781.

met. Present the same members as on yesterday,

a member of Assembly, was admitted and de- Chair a resolution for the nomination of persons to for as President and Commander-in-Chief of this

by order,

establishing a Militia within this State, was read e.

f Mr. Conwell, for leave to bring in a bill for aid- tinuance of the process in the Court of Quarter

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Sessions in the County of Sussex, the same was granted; whereupon a bill for that purpose was laid on the table, and, by order, read the first time.

On motion, by order,

The resolution of the House of Assembly for the nomination of persons to be balloted for as President and Commander-in-Chief of the State, was read the first time.

By special order, the same was read a second time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, P. M., 5th November, 1781.

"On motion,

"*Resolved*, That the House of Assembly will meet the Council, "in the Council Room, to-morrow, in the afternoon, for the pur- "pose of putting proper persons into nomination to be voted for "as President and Commander-in-Chief of this State, that place "being now become vacant by the expiration of the term of the "late President, Cæsar Rodney, Esquire, agreeable to the Con- "stitution of the State.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of the House of Assembly.*"

Ordered, That Mr. Baning return the preceding resolution, with the concurrence of the Council thereto, to the House of Assembly; and inform them that the Council will be ready to receive the House of Assembly in the Council Chamber, at five o'clock this afternoon, if assented to by the House of Assembly.

Mr. Baning, being returned, reported that he had delivered the said resolution and message, according to order, to the House of Assembly.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

met.

of Assembly, agreeable to the order of the day, l, in the Council Chamber, for the purpose of put- nation persons to be balloted for as President and -Chief of this State, when the names of several aken down for the consideration of the members .

nat the General Assembly now separate, and meet Assembly Room, in half an hour, to ballot for a ly the place of President of this State.

use of Assembly withdrew.

agreeable to the proposed time of meeting, met Assembly, in the Assembly Room, and there, in bly, proceeded to the election of a President of the members of both Houses then present, to wit: Council and nineteen of the House of Assembly, d tickets with the name of the President to be ap- t the same into a ballot-box, the Speakers of the the presence of the other members, examined the it appeared that there were twenty-five votes out n favor of John Dickinson, Esquire; whereupon Dickinson, Esquire, is declared duly elected Presi- ate for the term of three years next ensuing, and of the next General Assembly thereafter, and no ble to the Constitution or system of government

ouncil withdrew, and adjourned till to-morrow o'clock.

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WEDNESDAY, A. M., Nover

The Council met. Present the same member and also Mr. Polk.

On motion, by order,

The bill for more effectually punishing and fences committed in taking vessels out of th State, was read the second time.

By special order, the same was read a thir graphs, and will pass.

Ordered, That the same be transcribed and s of Assembly, for their consideration and con Hyatt;

Who, being returned, reported the delivery to order.

On motion, by order,

The bill for aiding the discontinuance of t Court of Quarter Sessions in the County of Sus second time.

On motion, by order,

The bill for establishing a Militia within this third time, by paragraphs, and will pass.

Ordered that the same be transcribed.

On motion, by order,

The bill for aiding the discontinuance of t Court of Quarter Sessions in the County of S third time, by paragraphs, and will pass.

Ordered, That the same be transcribed and s to the House of Assembly, for their considera rence.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

met.

w reported the delivery of the bill for aiding the of the process in the Quarter Sessions in Sussex ing to order.

ll to-morrow morning at 10 o'clock.

THURSDAY, A. M., November 8th, 1781.

met. Present the same members as on yesterday.

at Mr. Baning deliver to the House of Assembly olishing a Militia within this State.

reported the delivery of the same according to

l 3 o'clock, P. M.

EODEM DIE, P. M.

met.

nember of Assembly, was admitted and delivered tain resolutions of the House of Assembly for the e trade of the River and Bay of Delaware.

by order, the foregoing resolutions were read the

by order,

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The bill to vest in Congress a power to levy a
ported and prize goods, &c., was read a thir
graphs, and some amendments were proposed a

Ordered, That the same be transcribed and s
well, to the House of Assembly, for their consi
currence, together with the President's message a

Adjourned till to-morrow morning at 10 o'clo

FRIDAY, A. M., Noven

The Council met. Present the same members

Mr. Conwell now reported the delivery of th
committed to him, according to the order of ye

Mr. Bryan, a member of Assembly, was ad
ered to the Chair a bill for raising twenty-th
hundred and twenty-five pounds, in specie, for t
year one thousand seven hundred and eighty-tw

The same member also returned to the Chair
the discontinuance of the process in the Court of
Sessions in the County of Sussex, agreed to by
sembly.

Ordered that the said bill be engrossed.

On motion, by order,

The bill for raising twenty-three thousand
twenty-five pounds, in specie, for the service
thousand seven hundred and eighty-two, was re

Mr. Molleston, a member of Assembly, wa
delivered to the Chair a resolution of the Ho
respecting the adjournment of the present ses
order, was read, and is in these words, viz:

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OUSE OF ASSEMBLY OF THE DELAWARE STATE,
"FRIDAY, November 9th, 1781.

That this House intend to adjourn the present
norrow afternoon to some distant day; and that
on wait on the Council with a copy of this resolu-
information.

om the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

That Mr. McDonough and Mr. Hyatt be a com-
the premises mentioned in the petition of John
hat they, or any one of them, make report of their
ereon at the next sitting of the Council.

by order,

inst desertion and harbouring deserters, or dealing
ertain cases, was read the second time.

by order,

ions of the House of Assembly for the protection
f the River and Bay of Delaware, were read the

order, the same were read a third time, by para-
n amendment was proposed and agreed to, and
transcribed.

at the foregoing resolutions and transcribed amend-
for concurrence, to the House of Assembly by Mr.

returned, reported the delivery thereof according

a member of Assembly, was admitted and deliv-
air the President's message of the 12th February,
circular letters and acts of Congress therein referred
ith the bill to vest in the Congress of the United

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States a power to levy duties of five per centum certain goods and merchandise imported into t prizes and prize goods condemned in the Co thereof, and for appropriating the same, and proposed thereto by the Council disagreed to Assembly.

Adjourned till 3 o'clock, P. M.

EODE

The Council met.

Doctor Clayton, a member of Assembly, was livered to the Chair the resolutions for the prote of the River and Bay of Delaware, with the ame thereto by the Council acceded to by the House

On motion, by order, the foregoing resolutio were read and concurred in, and are as follows,

"IN THE HOUSE OF AS
"THURSDAY, A. M., Noven

"On motion,

"*Resolved*, That the Speakers of the two Ho "eral Assembly of Delaware draw their order o "surer in favor of Mr. Charles Pope for the sum "pounds in specie, to be paid out of the mone "or first may come into the Treasury, to be by "the purpose of protecting the trade of the B "Delaware.

"*Resolved also*, That the said Charles Pope i "ized to take the command of the State schoo "Wilmington, her tackle, apparel and furniture "ammunition and other articles, as belong to "State barge, or long-boat, at the Cross-Roads, "Kent, and put the said vessels into proper ord

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se aforesaid, and to recommend one suitable per-
resident or Commander-in-Chief of the State, to
ned as a Lieutenant of Marines, and to procure
or otherwise, forty suitable men to serve on board
s seamen and marines, until discharged by the
Commander-in-Chief of the State; the officers
e allowed the like pay, rations, and emoluments,
t to the same rules, regulations and provisoes, as
y the act of Assembly of this State, entitled, 'An
rotection of the trade of this State on the River
elaware.'

harles Pope, as captain and commander of said
e persons so recommended, to be commissioned
the said act directs.

so, That the said vessel cruise on the Bay and
aware only, and shall be under the direction and
e President or Commander-in-Chief of the State,
empowered to give the officers such instructions
time as he shall judge most likely to answer the
rotecting the trade of this State on the aforesaid

hat the said Charles Pope shall render and settle
f his application of the aforesaid sum of money
dent or Commander-in-Chief of the State.

n the minutes.

nsideration and concurrence.

"JAS. BOOTH, *Cl'k of Assembly.*"

at the foregoing resolutions and amendment be
r. Polk, to the House of Assembly, with the con-
Council to the said resolutions.

ng returned, reported the delivery thereof accord-

y order,

raising twenty-three thousand six hundred and
nds, in specie, for the service of the year one
hundred and eighty-two, was read the second

l to-morrow morning at 10 o'clock.

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SATURDAY, A. M., Novemb

The Council met. Present the same members

On motion, by order,

The bill for raising twenty-three thousand s twenty-five pounds, in specie, for the service thousand seven hundred and eighty-two, was r by paragraphs, and sundry amendments were p to, and ordered to be transcribed.

Mr. White, a member of Assembly, was adm ered to the Chair a bill entitled "An additiona act to the act entitled 'An act for calling out o cancelling the quota of this State, according to portionment, of all the Bills of Credit emitted b for emitting and funding new bills, according t of Congress of the eighteenth day of March las purposes.'"

Mr. Duff, a member of Assembly, was admitt to the Chair a memorial of Captain James Moore mediate advance of money toward his pay, with the House of Assembly for the payment of fifty to Captain James Moore.

On motion, by order,

The bill entitled "An additional supplementa entitled 'An act for calling out of circulation an quota of this State, according to the present ap all the Bills of Credit emitted by Congress, &c.,' first time.

By special order, the foregoing bill was read and postponed for further consideration till the a

On motion, by order,

The memorial of Capt. James Moore, of the ment, and the resolution of the House of As thereon, were severally read the first time.

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By special order, the same were severally read the second time, and the said resolution was concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, November 10th, 1781.

"The House resumed the consideration of the memorial of "Capt. James Moore, of the Delaware Regiment, and thereupon

"*Resolved*, That the Speakers of both Houses of the General "Assembly draw an order on the State Treasurer for the pay-"ment of fifty pounds, specie, to the said Capt. Moore, he to be "accountable.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

A letter, addressed to the President of the State of Delaware, from William McKennan, Captain in the Regiment of this State, dated Camp near York, October 26, 1781, was opened in Council, and being read, ordered, on motion, that the same be sent to the House of Assembly, with the following verbal message, viz:

Gentlemen:

The Council judge it proper to communicate to you a letter from Capt. McKennan, respecting a detachment of the Regiment of this State under his command, whose wants require immediate attention and relief.

Ordered, That Mr. Conwell wait on the House of Assembly with the foregoing letter and message, and return the bill for raising twenty-three thousand six hundred and twenty-five pounds for the service of the year one thousand seven hundred and eighty-two, with the amendments proposed thereto, Capt. Moore's memorial, and the resolution of the House of Assembly, founded thereon, concurred in by the Council.

Adjourned till 3 o'clock, P. M.

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EOD

The Council met.

Mr. Latimer, a member of Assembly, was ad
ered to the Chair certain resolutions of the Ho
for completing the Delaware Regiment.

The same member also delivered to the Chai
Joanna Holland, widow of Capt. Thomas Hollan
tion of the House of Assembly for the payment
specie, to the said Joanna Holland.

The Council now proceeded to the third r
graphs, of the bill entitled "An additional supp
the act entitled 'An act for calling out of circulati
the quota of this State, according to the preser
of all the Bills of Credit emitted by Congress, &
amendments were proposed, agreed to, and or
cribed.

On motion, by order,

The resolutions for completing the Delaware
read the first time.

On motion, by order,

The petition of Mrs. Joanna Holland, and the
House of Assembly, founded thereon, were seve

By special order, the said resolution was read
concurred in, and is as follows, viz:

"IN THE HOUSE OF A
"SATURDAY, Nove

"The House took into consideration the pe
"anna Holland, widow of Capt. Thomas Holl
"ware Regiment, and

"*Resolved*, That an order be drawn by the
"Houses of the General Assembly on the St
"favor of the said Joanna Holland, widow of

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esaid, who was slain in the service of the United
battle of Germantown, in October, 1777, for the
pounds, specie, as so much of the half pay of the
olland, agreeably to a resolution of Congress of
ust, 1780.

m the minutes. JAS. BOOTH,
ncurrence. *Cl'k of Assembly.*"

by order,

ons of the House of Assembly for completing the
ment, were read the second time and deferred for
ntil Monday next.

f Mr. John Polk, for leave of absence during the
he present sessions, the same was granted to him.

ll Monday morning at 10 o'clock.

MONDAY, November 12th, 1781.

met. Present the same members as on Saturday,
n Polk.

hat Mr. Baning return to the House of Assembly
d "An additional supplementary act to the act
t for calling out of circulation and cancelling the
State, according to the present apportionment, of
f Credit emitted by Congress, &c.,'" with the
dments proposed thereto by the Council; Mrs.
d's petition, and the resolution of the House of
ded thereon, concurred in by the Council.

reported the delivery thereof according to order.

l now proceeded to the third reading, by para-
resolutions for completing the Delaware Regi-
dry amendments were proposed, agreed to, and
transcribed.

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Ordered, That Mr. Cook return the foregoing transcribed amendments to the House of Ass consideration and concurrence.

The Council now took into consideration the a posed by them, and disagreed to by the House the bill to vest in the Congress of the United S levy duties of five per centum ad valorem on c merchandise imported into this State, &c., and spent therein adhered to their said amendmen some additional amendments now proposed.

Ordered, That Mr. Cook also return the said ments to the House of Assembly, for their consid currence.

Mr. Cook, being returned, reported the delive papers committed to him, according to order.

Adjourned till to-morrow morning at 10 o'clo

TUESDAY, A. M., Novemb

The Council met. Present the same members

Mr. Latimer, a member of Assembly, was adı ered to the Chair the additional supplementar entitled "An act for calling out of circulation the quota of this State, according to the present of all the Bills of Credit emitted by Congress, amendments proposed thereto by the Council, amendments offered by the House of Assembly posed amendments of the Council.

The same member also delivered to the Chai tions of the House of Assembly respecting th Delaware Regiment.

The Council now took into consideration the a posed by the House of Assembly to their am

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supplementary bill to the act entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, &c.," and after some time spent therein agreed to the same.

On motion, by order,

The resolutions of the House of Assembly respecting the officers of the Delaware Regiment, were read the first time.

By special order, the same were read the second time, by paragraphs, and some amendments were proposed, agreed to, and ordered to be transcribed.

Ordered, That Mr. William Polk return to the House of Assembly the foregoing supplementary bill and its amendments, together with the preceding resolutions and the amendments proposed thereto by the Council, for their consideration and concurrence.

Mr. Polk reported the delivery thereof according to order.

Mr. Adams, a member of Assembly, was admitted and delivered to the Chair the resolutions for completing the Delaware Regiment, and the amendments proposed thereto by the Council in part acceded to by the House of Assembly, with a paper of amendments offered by the House of Assembly to the said amendments of the Council.

The Council took into consideration such of their amendments to the foregoing resolutions as were disagreed to by the House of Assembly, and also the amendments proposed by that House to their said amendments, and after some time spent therein they adhered to their fourth amendment, receded from their seventh, and acceded to the amendments proposed by the House of Assembly.

Ordered, That Mr. Baning return the foregoing resolutions, and the several papers of amendments proposed thereto, to the House of Assembly.

Mr. Baning reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

Mr. Vandyke, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for the payment of one hundred pounds to each of the Delegates from this State to Congress, and the following verbal message, viz:

"*Gentlemen:*

"The Assembly propose to your honorable House that both "Houses meet in the Council Chamber, at five o'clock this "afternoon, to receive the answer of John Dickinson, Esq., as "to his acceptance of the office of President and Commander-in-"Chief of this State, to which he has been elected; and also to "appoint, by ballot, persons to supply two vacant ensigncies in "the Delaware Regiment.

"Tuesday, 13th Nov., 1781."

On motion, by order,

The resolution of the House of Assembly for the payment of one hundred pounds to each of the Delegates from this State to Congress, was read the first time.

By special order, the same was read the second time and concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, November 13, 1781.

"On motion,

"*Resolved*, That the Speakers of both Houses of the General "Assembly draw their order on the State Treasurer in favor "of the Honorable Thomas Rodney, Nicholas Vandyke, and "Thomas McKean, Esquires, the Delegates from this State to "Congress, for the sum of one hundred pounds each, the said "Delegates respectively to be accountable.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

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Ordered, That Mr. Conwell return the foregoing resolution, concurred in by the Council, and deliver to the House of Assembly the following answer from the Council to their verbal message of this day, viz:

Gentlemen:

The Council will be ready to receive your honorable House, according to your proposal, in the Council Room, at five o'clock this afternoon.

Mr. Conwell now reported the delivery of the foregoing resolution and message to the House of Assembly, according to order.

Previous to the meeting of the General Assembly in the Council Chamber, agreeable to the order of the day, Mr. Dickinson arose and took his leave of Council, in consequence of his appointment to the office of President, in the following words, viz:

"*Mr. Speaker:* I am now to take my leave of you and the "other gentlemen of the Council, as a member of this body; "but, before I go, I beg permission to return my thanks to you "and them, for the very attentive and respectful treatment I "have received, while I have had a seat here.

"You, gentlemen, are witnesses, with how much reluctance I "have been separated from you. I expected, intended, and "should have been perfectly contented, to have continued among "you, if such had been the pleasure of the General Assembly; "but, in whatever station I serve the State, or wherever I may "be, I desire you all, gentlemen, to be assured, that I ever "shall retain a grateful and affectionate remembrance of your "behavior towards me, and I pray Heaven to bless every one of "you, in your public and private capacities."

The House of Assembly met the Council in the Council Chamber, agreeable to the order of the day, to receive the answer of John Dickinson, Esquire, as to his acceptance of the office of President of this State, to which he had been elected. Whereupon Mr. Dickinson arose and addressed the General Assembly on the subject of his appointment to the said office in the following pathetic speech, viz:

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"*Gentlemen of the General Assembly:*

"I thank you for the honour you have conferred upon me, by "electing me President of this State. The post, itself, I do not "think so great an honour, as the *manner* in which you have be- "stowed it. *That* conveys a proof of your esteem, which I *feel* "to be very valuable and powerful. I give up my inclination for "a retired life, to which I am called by so many and such weighty "considerations, to your pleasure.

"One *apprehension* I cannot dismiss, that I shall not be able "to fill the station to which I am appointed, so advantageously "as I wish, or as you may perhaps expect. I will try to com- "pensate for deficiencies in other respects, by my integrity, at- "tachment to the common cause, and the love of my country, to "which shall be added all the application my health will bear; yet "still, I must request your favorable interpretation of my con- "duct, and rely, in a great measure, for success on your support.

"Any mistakes I may commit will be of my judgment, never "of my intention, and I confide in the candour of my country- "men, that circumstances, unavoidable in the present arduous "contest, will not be imputed to errors in administration.

"What laws, now in force, are to be altered or repealed, and "what new ones are to be made, it will be your business, gentle- "men, to determine. It will be mine to see those which the "wisdom of the Legislature approves effectually carried into "execution.

"If, in my attempts to discharge this complicated duty, any "part of it escapes my attention, I ask, and shall at all times "gratefully receive your advice or information.

"As it does not appear to me inconsistent with this duty, so it "will be a pleasing employment to consult the ease of the good "people of the State, as far as can be done without weakening "our exertions in maintaining this just and necessary war, which "men of sense and virtue cannot desire.

"May a happy harmony, in sentiment and measures, so bene- "ficial to society, always prevail among us, or, if there must be "division, let it only be between those who generously contend "for the freedom, independence and prosperity of their country, "and such as weakly wish for a dangerous and dishonorable sub-

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"mission to enemies so infatuated as to hate where they ought "to admire, and to provoke their own and pursue the ruin of "these States, though nature and policy point out that we should "be blessings one to the other.

"Above all things, gentlemen, let us seriously endeavor to re- "commend ourselves and our cause to the adorable Providence "that has so graciously conducted us thus far, through a wilder- "ness of difficulties, and made, as it were, the sea to give way "before us; and therefore let us more and more promote a spirit "of benevolence, equity and liberality, and heartily join together "in discouraging every kind of vice and immorality, being as- "sured that 'Righteousness exalteth a nation, but Sin is a re- "proach to any people.'"

On motion,

Resolved unanimously, That a certificate of the appointment of John Dickinson, Esquire, to the office of President of this State, signed by the Speakers of the two Houses, and sealed with the Great Seal of the State, be made out and delivered to Mr. President.

On motion,

Resolved, That the Speaker of the Council be authorized to administer as well the qualification of allegiance and declaration of faith, prescribed by the twenty-second article of the Constitution of this State, to the Honorable John Dickinson, Esquire, as the following oath of office, to wit:

"I, John Dickinson, do affirm that I will well and truly, ac- "cording to the best of my abilities and judgment, execute the "office of President of the Delaware State agreeable to the Con- "stitution and Laws thereof."

Then the General Assembly proceeded to the nomination of persons to be balloted for to supply two vacant ensigncies in the Delaware Regiment, when two persons were named for the consideration of the General Assembly.

Whereupon the General Assembly, there being no more than two persons nominated to fill the said vacancies, proceeded to the ballot, and it appeared that John Vaughn and John Platt were declared duly elected to fill the said vacancies.

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On motion,

Resolved, That the said John Vaughn be considered as the first in rank.

On motion,

Resolved, That the General Assembly now separate.

Then the House of Assembly withdrew.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair the certificate of the appointment of John Dickinson, Esquire, to the office of President of this State, in order to be signed by the Speaker of the Council; which was accordingly done; and the said certificate was returned by the same member, in order to be signed by the Speaker of the House of Assembly.

The bill for aiding the discontinuance of the process in the Court of General Quarter Sessions in Sussex County, being engrossed, was read, compared, and ordered to be sent, with the original bill, to the House of Assembly, for comparison, and to be signed by the Speaker of the House of Assembly, by Mr. Cook;

Who, being returned, reported the delivery thereof according to order.

On motion,

WHEREAS Congress, by their proclamation dated the — day of ——, have recommended to the several States to set apart Thursday, the thirteenth day of December next, to be observed as a day of public Thanksgiving and Prayer; therefore

Resolved, That the thirteenth day of December aforesaid be set apart throughout this State as a day of public Thanksgiving and Prayer to Almighty God for the purposes in the above-recited proclamation of Congress mentioned, and that the President be requested to publish the same by proclamation.

Ordered, That Mr. William Polk deliver the foregoing resolution to the House of Assembly, for consideration and concurrence.

Mr. Polk reported the delivery thereof according to order.

Mr. Read, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for affix-

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ing the Great Seal to four laws passed this session, together with the said laws, respectively signed by the Speaker of the House of Assembly, in order to be compared and signed by the Speaker of the Council, and the several original bills and amendments.

The same member also delivered to the Chair the certificates of the appointment of John Dickinson, Esquire, to the office of President of this State, respectively signed by the Speakers of both Houses, in order that the same may be delivered by the Speaker of the Council to Mr. President; and also the following orders, to be signed by the Speaker of the Council, viz:

To Thomas Rodney, Nicholas Vandyke, and Thomas McKean, Esquires, Delegates from this State to Congress, £100 each,	£ 300 0 0
To Colonel David Hall,	100 0 0
To Lieutenant Joseph Vaughn,	100 0 0
To Major John Patton,	75 0 0
To Capt. Peter Jacquet,	100 0 0
To Capt. Robert Kirkwood,	100 0 0
To Capt. James Moore,	60 0 0
To Capt. John Learmouth,	60 0 0
To Capt. John Wilson,	60 0 0
To Capt. Daniel Powell Cox,	60 0 0
To Capt. George Parvis,	60 0 0
To Lieut. Charles Kidd,	40 0 0
To Lieut. James Campbell,	40 0 0
To Lieut. Joseph Horsman,	40 0 0
To Lieut. Elijah Skillington,	40 0 0
To Lieut. Edward Roche,	40 0 0
To Lieut. Henry Duff,	40 0 0
To Lieut. Thomas Anderson,	40 0 0
To Doct. Reuben Gilder,	60 0 0
To Ensign Stephen McWilliam,	30 0 0
To Mr. John Vaughan,	30 0 0
To Mr. John Platt,	30 0 0
To Mrs. Joanna Holland,	40 0 0
	£ 1545 0 0

Whereupon the said orders were directed to be signed by the Speaker of the Council; which was accordingly done.

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On motion, by order, the several foregoing bills, respectively signed by the Speaker of the House of Assembly, were read and compared, and directed to be signed by the Speaker of the Council; which was done accordingly.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the foregoing bills, was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY, November 13, 1781.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of the State to the following laws, to wit:

1. "An act for raising twenty-three thousand six hundred and twenty-five pounds, in specie, for the service of the year one thousand seven hundred and eighty-two;"

2. "An act to vest in the Congress of the United States a power to levy duties of five per centum ad valorem on certain goods and merchandise imported into this State, and on prizes and prize goods condemned in the Court of Admiralty thereof, and for appropriating the same;"

3. "An act for aiding the discontinuance of the process in the Court of General Quarter Sessions of the Peace and Goal Delivery in the County of Sussex;"

4. "An additional supplementary act to the act entitled 'An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the eighteenth day of March last, and for other purposes,' passed at New Castle, on the twelfth day of February, one thousand seven hundred and eighty-one."

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Mr. Vandyke, a member of Assembly, was admitted and delivered to the Chair the resolution of the Council for appointing

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Thursday, the thirteenth day of December next, to be observed as a day of Thanksgiving and Prayer, with the concurrence of the House of Assembly thereto.

The same member also delivered to the Chair the resolutions of the House of Assembly for completing the Delaware Regiment, with the amendments proposed thereto by the Council acceded to by the House of Assembly.

The same member also delivered to the Chair a resolution of the House of Assembly empowering the President to draw for money for contingent services; and also certain resolutions of the House of Assembly for the pay and clothing of the Delaware Regiment.

The same member also delivered to the Chair a resolution of the House of Assembly for the payment of one hundred pounds to William Millan, together with an order, signed by the Speaker of the House of Assembly, for thirteen hundred pounds, specie, in favor of George Craghead, Esq., the Clothier-General of this State, in order to be signed by the Speaker of the Council.

On motion, by order,

The resolutions of the House of Assembly respecting the officers of the Delaware Regiment, as amended, were read and concurred in, and are as follows, viz:*

On motion, by order,

The resolution empowering the President to draw for money for contingent services, was read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, November 13, 1781.

"On motion,

"*Resolved*, That his Excellency, the President and Com-
"mander-in-Chief of this State, be and he is hereby empowered
"to draw his orders on the State Treasurer for any sum, not ex-
"ceeding one thousand pounds, in order to defray expenses for

*These resolutions are not recorded.

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"contingent public services that may arise in the recess of the "present General Assembly, he to be accountable.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolutions of the House of Assembly for the pay and clothing of the Delaware Regiment, were read and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, 13th November, 1781.

"On motion,

"*Resolved*, That the Speakers of the two Houses of the Gen- "eral Assembly draw their order in favor of George Craghead, "Esq., the Clothier of the State, on the State Treasurer, for four "hundred and seventy-five pounds, in specie, for the purpose of "an immediate supply of two hundred shirts, one hundred woolen "waistcoats, one hundred pair of woolen overalls, one hundred "pair of socks, one hundred pair of shoes, fifteen coats and fifty "blankets, for the use of the detachment under the command "of Capt. McKennan."

"That the Speakers, aforesaid, draw their order on the State "Treasurer, in favor of the Clothier-General, aforesaid, for eight "hundred and twenty-five pounds, like money, for the purpose "of a supply of one hundred and fifty coats, one hundred and "fifty woolen waistcoats, one hundred and fifty woolen overalls, "three hundred shirts, one hundred and fifty hats, one hundred "and fifty pair of socks, and three hundred pair of shoes, for the "use of the Delaware troops in the Southern army, under the "command of General Green."

"That the Clothier-General make application to the Board of "War, in order to obtain the above articles of clothing, or as "many of them as may be procured in that way, and that the "said George Craghead make exact and particular returns of the "articles he may so procure, and also render his account of the "expenditure of the money he may receive, to the General As- "sembly, at their next meeting."

"That orders be drawn, in manner aforesaid, in favor of the

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he Delaware Regiment, for the following sums of specie, on account of their pay, to wit: to Colonel , one hundred pounds; Lieutenant-Colonel Joseph one hundred pounds; Major John Patten, seventy-; Captains Robert Kirkwood and Peter Jaquet, nundred pounds; Captains John Learmouth, John niel Powel Cox and George Parvis, sixty pounds, ain James Moore, ten pounds in addition to the fifty ered to be paid to him by this present General As- euben Gilder, Surgeon, sixty pounds; Lieutenants f, James Campbell, Joseph Horsman, Elijah Skil- arles Kidd, Edward Roche and Thomas Anderson, ls each; Ensign Stephen McWilliam, thirty pounds; Vaughn and John Platt, volunteers in the said regi- pounds each."

order be drawn, in the same manner, for the pay- e month's pay for the non-commissioned officers and the Delaware troops in the Southern army, afore- h person as shall be appointed by the President of o receive the same, and to be by such person im- mitted to them.

e recommended to the President to issue his orders rs of the Delaware Regiment now in the State (Cap- excepted), and not prisoners of war, that as soon as everally receive the sum directed to be drawn on , as above mentioned, they do repair to their regi- t the officers thereof, now with General Green may, k proper, apply for leave of absence for a time, and supplied by such as are within the intent of this

rom the minutes. JAS. BOOTH,
concurrence. *Cl'k of Assembly.*"

by order,

tion of the House of Assembly for the payment of pounds to William Millan, was read, considered,

That the order in favor of George Craghead, Esq., undred pounds, be signed by the Speaker.

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Ordered, That the several bills and resolut
tioned, respectively signed by the Speaker of
returned to the House of Assembly by Mr. Coc

Who, being returned, reported the delivery
to order.

Adjourned till 9 o'clock to-morrow morning.

WEDNESDAY, Novem

The Council met. Present the same members

The Speaker of the Council now waited on M
being returned, reported to the General Asse
administered as well the qualification of allegia
tion of faith, prescribed by the twenty second a
stitution of this State, as the oath (or affirmatio
Excellency, John Dickinson, Esquire, President
State, in pursuance of certain resolutions of th
bly of yesterday.

Thereupon

Ordered, That the Speaker issue a writ to th
Castle County, directing him to hold an electi
the 20th day of December next, agreeable to
and Laws of this State, for the choosing of one
the Legislative Council for the said county, in
Dickinson, Esquire, whose seat became vacant
of the office of President of this State.

Which was accordingly done.

Then the Council proceeded to the settlemen
wages and mileage of their members at their pre
the following accounts were allowed, viz:

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To the Honorable Thomas Collins, Esq., for 23 days' attendance in Council,	£ 25	7	6
To John Baning, Esq., for 20 days' attendance,	17	10	0
To Peter Hyatt, Esq., for 23 days' attendance and mileage,	21	12	6
To William Conwell, Esq., for 16 days' attendance and mileage,	15	16	0
To John Polk, Esq., for 20 days' attendance and mileage,	20	0	0
To John Cook, Esq., for 17 days' attendance and mileage,	15	8	6
To William Polk, Esq., for 21 days' attendance and mileage,	19	9	6
To John Dickinson, Esq., for 21 days' attendance and mileage,	20	9	6
To Benjamin Vining, Esq., for 20 days' attendance as Clerk, &c.,	23	10	0
	£ 179	3	6

Ordered, That the Speaker draw orders on the State Treasurer for the payment of the aforesaid several sums.

Which was accordingly done.

Then the Council adjourned till the 2d day of January next, to meet at the Town of Dover.

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UTES OF COUNCIL.

JANUARY, 1782.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1782.

At a meeting of the Legislative Council of the Delaware State, at the Town of Dover, on Wednesday, the 2d day of January, in the year of our Lord one thousand seven hundred and eighty-two, a sufficient number of the members to form an House not attending, the Council adjourned from day to day until Wednesday, the 9th instant.

WEDNESDAY, January 9th, 1782.

The Council met. Present the following members, viz:

For New Castle County—Mr. McDonough, Mr. Hyatt.

For Kent County—The Hon. Thomas Collins, Mr. Baning.

For Sussex County—Mr. John Polk.

On motion,

Resolved, That the Council adjourn till Tuesday next, at three o'clock in the afternoon.

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TUESDAY, P. M., January 15, 1782.

The Council met, but a quorum of the members not attending, the Council adjourned from day to day until Tuesday, the 22d instant.

TUESDAY, January 22d, 1782.

The Council met. Present the same members as on Tuesday last, and also Mr. Cook and Mr. William Polk.

The return of the Sheriff and Inspectors for the County of New Castle, of the election of a Councillor to fill the seat of John Dickinson, Esq., which became vacant by his acceptance of the office of the President of this State, being laid on the table, it appears that Isaac Grantham, Esq., was elected a member of the Council, on the twentieth day of December last, agreeable to the Constitution and Laws of the State.

Mr. Grantham appeared, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and then took his seat in the Council. [*See* ***note on page 10.***]

On motion,

Ordered, That Mr. McDonough and Mr. Cook be a committee to wait on his Excellency, the President, and acquaint him that the Council, having met, are ready to receive any business he may have to lay before them.

The committee, being returned, reported that they had waited on the President with the message committed to them, according to order, and that he was pleased, in answer, to say that he had laid some business of great importance before the House of Assembly, which, in due course, would come before this House.

The committee appointed to view the premises mentioned in

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John Leuden, now reported that they had viewed
are of opinion that the prayer of the said petition,
orth, may be granted; whereupon,

of Mr. McDonough, that a committee be appointed
d bring in a bill founded on the said petition, the
ted.

nen chosen: Mr. Hyatt, Mr. McDonough, and Mr.

ill 3 o'clock, P. M.

EODEM DIE, P. M.

met and adjourned till to-morrow morning.

WEDNESDAY, A. M., January 23d, 1782.

met. Present the same members as on yesterday.

tee appointed to prepare and bring in a bill found-
ion of John Leuden, now laid on the table a bill for
ntitled "A further supplementary act to the act en-
for the better regulation of the roads in New Castle
nich, by order, was read the first time.

ill 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

On motion, by order, the bill entitled "A further supplementary act to the act entitled 'An act for the better regulation of the roads in New Castle County,' " was read the second time.

By special order, the same was read a third time, by paragraphs, and will pass.

Ordered, That the said bill, together with the foregoing petition, be sent to the House of Assembly, for their concurrence, by Mr. Cook;

Who, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, January 24th, 1782.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, A. M., January 25, 1782.

The Council met. Present all the members, except Mr. Conwell, Mr. Cook, and Mr. Polk.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

met.

, a member of Assembly, was admitted and deliv-
air a message from the President to the General
he 19th instant, with its inclosures.

ember also delivered to the Chair a new map of
ts of Virginia, Pennsylvania, Maryland, and North
several reports and papers relative to the claims of

ember also delivered to the Chair the supplement
ed "An act for regulating and establishing fees,"
ment proposed thereto by the House of Assembly.

by order,

nt's Message, and its inclosures, were severally
aid message is in these words, viz:

the General Assembly:

tary will lay before you several acts of Congress,
er the 30th, November the 2d, 12th, and 23d,
e 4th, 10th, 11th, and 17th, and January the 2d,
om the President of that honorable body, and the
lative to the subject of those acts.

hese are of so important a nature, that our utmost
comply with the requisitions founded upon them
est measures we can possibly pursue to attain and
essings for which we are contending.

ses of the last campaign, obtained, under the favour
rovidence, by the distinguished abilities of the
in-Chief, the generous aid of the monarch who
to the exalted station he holds, the gallantry and
t of his troops, and of the *American* officers and
very scene of action—the unparalleled harmony
combined forces, promising all the fruits of a perfect
nt amity, the militia rivaling veterans in bravery

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"and discipline—our recovery from the distr
"ciated currency—the resources open to our vi
"and economical administration taking place
"the enterprising and public spirit of the m
"the community, giving motion to so man
"system of government—the unanimity of the
"ing and defending their independence, are
"such moment as to present a prospect of the
"events, if the opportunities they offer are sei
"and improved with wisdom.

"They are, however, but steps in our pro
"happiness, and by looking back too earnestl
"may yet forfeit the inestimable prize we w
"labours with at the conclusion of the course.

"In a contest so deeply interesting to us a
"we ought to think nothing done while anythi
"done. Our conduct should be regulated by th
"and even the errors of our enemies. Confidi
"and strength, animated by the remembrance o
"and irritated by a resistance subverting the fo
"their wise ancestors, for more than *Roma*
"discover a fixed resolution to persist, in c
"difficulty and danger, in their attempts to reco
"losses, aggravated, as they must be, by a
"their own imprudence. Thus stimulated the
"cation of wars, face their foes on every sid
"every quarter of the Globe; demonstratin
"supplies of hostility accumulated by a great a
"ed commercial power, exhibiting a memorab
"destructive diligence and obdurate perseve
"the rage of ambition.

"If all this profusion of blood and treasure
"principally desired and dreadful end of subjug
"we should remember it has been declared, in
"lished by the commissioners appointed unde
"of *Britain*, and of which no disapprobation
"from either House of Parliament, a secondar
"swered—that of rendering, by the EXTREMES
"lation, our connection with *France* of as LIT
"as POSSIBLE.

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"How far this avowed principle has heretofore influenced the "military operations on this Continent, it is needless to say: how "far it is to influence the future, let the past determine; but "whatever our sufferings have been, it is worthy of consideration, "whether part of them may not be imputed to our mistakes.

"We, knowing that a vast majority of the inhabitants of these "States will, at every hazard, maintain their independence, now "indispensably necessary for supporting their honour and hap- "piness, and desire no peace but upon this ground, and that "not one in an hundred would risk life or property for recon- "ciliation on any other terms, have relied too much on this solid "mass of opposition. Relaxation ensued, and has been followed "by its natural consequences. Happily for us, indeed, virtue has "frequently paid the arrears of prudence.

"On the other hand, our enemies, viewing the same object "through the deceiving mediums of passion and prejudice, believe "that the thinness of our battalions, and the dilatoriness of our "supplies, are, in a great degree, occasioned by the disaffec- "tion of large numbers to our cause. This error produces an- "other, and leads them to expect a dissolution of public credit, "from dissatisfaction at the burthens imposed, and a flattering "comparison between their funds, supposed by them to be al- "most inexhaustible, and the scantiness of our revenues.

"Inattentive to the smallness of the debt we have contracted "during the war, and the heavy load it has laid upon them, they "seem not to advert to the difference of effects such national "incumbrances must produce in a country prospering by manu- "factures, and another that little depends on such employments; "and while an increase of our burthens only adds to the odium "against the original unprovoked authors of them, they will not "duly estimate the calm and steady resentment of injured and "insulted innocence, and never reflect how much of their pro- "perty they cheerfully spare, who are ready to part with the "whole, for preserving their freedom.

"Another error of our enemies, if they really believe it, or an "artful insinuation, if they do not, deserves notice, as their dis- "guised emissaries endeavor to disseminate it among us. They "suppose, or surmise, that such a cordial friendship can never be "formed between us and the subjects of our ally, as with them-

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"selves, because of the dissimilarity of government, laws, man-
"ners, customs, religion and language. There was a time when
"hereditary habits of thinking would easily have admitted this
"doctrine. It is past. The hard-hearted policy of Great Britain,
"and the just and wise magnanimity of France, have restored
"to us the impartial exercise of our judgment; and stating the
"case of a connection between us and each of those kingdoms,
"the very line of distinction, that has been drawn, will remove
"apprehensions with respect to the latter that must exist as
"reasonable for want of it, and on account of the late separation,
"as peculiarly forcible against the former. Mutual interests,
"liberal sentiments, and fair dealing, are better promoters of con-
"cord between nations than resemblances that may prompt and
"cause deceptions, and which we feel to have given edge and
"extension to the fury of those, who now, with preposterous
"ingenuity, urge them as sources of affection.

"If America now rises to a full display of her temper and
"ability, correspondent to the desires and efforts of our illustrious
"ally, she will dispel the errors that have been so fertile of evil,
"and may, in a short time, realize the proposed reward of her
"toils, not otherwise perhaps to be obtained but by a tedious
"struggle, great expense, and renewed losses.

"When such a measure is recommended by the Council that
"presides over the common interests of the Union, and whose
"comprehensive survey of affairs must certainly have suggested
"to them cogent reasons for recommending it in the manner
"they have done, I am perfectly convinced, from my knowledge
"of your zeal, that every possible exertion will be made on your
"part. Permit me only to add, that I cannot but ardently wish
"this State may have the merit of being distinguished by the
"earliest punctuality of compliance.

"Gentlemen—The Secretary will also present to you two let-
"ters from the Commander-in-Chief to me, dated the 3d and
"15th of December, concerning the establishment of a tempor-
"ary hospital, at Wilmington, for sick soldiers returning from
"Virginia, with several papers relative to that business.

"Humanity, and a just respect for his Excellency's senti-
"ments, induce me to pursue every measure within my power
"that appeared likely to save the lives and alleviate the distresses
"of the brave and good men whose relief was intended. I am

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"informed that these measures have been of use, and hope they "will meet your approbation.

"I have directed a letter from General Greene, of October the "24th, one from the Secretary of Foreign Affairs, of November "the 12th, and another from the Board of War, of the 19th of "the same month, to be delivered to you, as they contain mat- "ters that will require your consideration.

"Immediately after my going to Philadelphia, as I was well "acquainted with your solicitude to have the execution of your "late resolutions respecting the clothing of our regiment expe- "dited, I applied to the Secretary of War. His letters, of the 3d "and 4th of December, are now sent. By the information "I received from him, and afterward from the Financier, I "thought it improper that any further steps should be taken "until your pleasure could be known on the new circumstances "that have occurred; but there are deficiencies as to the clothing "of the officers that deserve, and therefore, I am assured, will "engage your early and effectual attention. I have desired the "Clothier to lay his accounts before you.

"The Legislature has not yet acted upon a resolution of Con- "gress dated the thirteenth of last June, respecting the officers "of the Hospital and Medical Department.

"The greatest dispatch was made in getting the schooner be- "longing to the State ready, in pursuance of your directions. "She sailed on the 20th day of November, and protected our "trade to advantage, until she was driven into port by a vessel "from New York, of superior force. I have reason to believe "that there will be a coöperation in Pennsylvania, next spring, "with a similar measure. If it is not disagreeable to you, I will "endeavour to procure the concurrence of the State of New Jer- "sey.

"The recruiting service has been begun, and promises the "happiest success. The gentleman appointed to superintend it "will soon report his proceedings.

"On the 20th of November, I wrote to all the Receivers of "Supplies, desiring them to make returns of the supplies deliv- "ered, mentioning the articles, quantities, condition, and dis- "tances from landings. I have had no answer but from the "Receiver for New Castle County.

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"As we shall be charged with an interest on the deficiencies of "those supplies, the collection of them should be enforced, or "else, they should be changed into taxes, in specie, and I should "be glad if the Legislature would consider whether this is not "the most eligible mode. There are other deficiencies of taxes "that require a like adjustment.

"I have the pleasure of informing you, that our quota of the "Continental Bills, except a very inconsiderable balance, is trans- "mitted to the Treasurer of the United States.

"The supplies that you so prudently ordered to be provided "at the post of Christiana Bridge, for the army on its return "from York, have been furnished at a less expense than was ex- "pected, as appears by the account of the Commissioners. It "is with particular satisfaction I can say that the service has been "performed in a manner very acceptable to the troops, and repu- "table to the State.

"Gentlemen—As delegates in Congress are now to be appoint- "ed, and a representation cannot consist of less than two, an "addition to the usual number appears to be necessary. Many "questions of the first magnitude will very shortly be agitated in "that assembly. The interest and dignity of the State are con- "cerned in its regular representation. It is to be observed, that "this is a very proper time to give instruction, to those who "may be appointed, to use the strictest diligence in procuring "the claims of boundaries to be immediatly settled upon just "principles.

"I esteemed it my duty to obtain all the information I could "on this momentous business, and the Secretary will deliver "some important documents and papers on that head, as also on "the right to the islands in the Delaware.

"The Militia laws should be explained, amended, and reduced "into one act. The public welfare requires that this mode of "defence should be put upon a more respectable footing.

"I beg leave, also, to recommend the passing of laws for more "effectually preventing insults to the State, by taking vessels "out of its harbors; for establishing a Court of Admiralty and "defining its jurisdiction; for establishing a Naval Office; for "regulating trade and navigation; for establishing one Judge of

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e Court and of Oyer and Terminer, when he alone
lo any judicial act except the trying of causes, and
ard of *tales de circumstantibus* in such manner that
tration of justice may not be delayed; for the revi-
eedings in the Court of Oyer and Terminer for Sus-
; and for better securing and escorting prisoners of
eserters, upon which occasions a contract for the
may be necessary appears to be the cheapest
providing them.

"JOHN DICKINSON."

till to-morrow morning at 10 o'clock.

SATURDAY, January 26th, 1782.

il met and adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

il met.

, by order, the bill entitled "A supplement to the
An act for regulating and establishing fees,'" and
ent proposed thereto by the House of Assembly,
second time, and an amendment was proposed by
o the said amendment offered by the House of As-

That the foregoing amendment be transcribed and
currence, to the House of Assembly, with the said
ndment proposed by that House, by Mr. McDon-

g returned, reported the delivery thereof according

till Monday morning at 10 o'clock.

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MONDAY, Janu

The Council met and adjourned till to-morro

TUESDAY, A. M., Janu

The Council met. Present all the members, well and Mr. John Polk.

Mr. Latimer, a member of Assembly, was ad ered to the Chair the bill entitled "A supplemer tled "An act for regulating and establishing f amendment, and also the amendment proposed the said bill rejected by the House of Assembly

The Council took the foregoing amendment tion, and agreed to the amendment proposed Assembly, and receded from their own amendm

Ordered, That the said bill be engrossed.

Adjourned till 3 o'clock, P. M.

EOD

The Council met.

On motion, by order, the foregoing bill, bein read, compared, and ordered to be sent to the bly, by Mr. Hyatt, for comparison, and to b Speaker of that House, together with the orig several papers of amendments proposed thereto

Ordered also, That Mr. Hyatt deliver to the bly the President's message and its inclosures.

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Mr. Hyatt, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, January 30th, 1782.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Charles Polk, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act for the protection of the trade of this State on the River and Bay of Delaware."

The same member also delivered to the Chair an act of Congress of the 11th December, 1781, recommending to the Legislatures of the several States to cause to be taken the number of white inhabitants thereof, together with a resolution of the House of Assembly to ascertain the number of white inhabitants within this State.

On motion, by order, the foregoing bill was read the first time.

On motion, by order, the foregoing act of Congress, and the resolution of the House of Assembly to ascertain the number of white inhabitants within this State, founded thereon, were severally read the first time.

Adjourned till to-morrow morning at 10 o'clock.

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THURSDAY, A. M., January 31st, 1782.

The Council met. Present the same members as on yesterday.

On motion, by order,

The bill for the protection of the trade of this State on the River and Bay of Delaware, was read the second time and postponed for consideration till the afternoon.

On motion, by order,

The resolution of the House of Assembly to ascertain the number of white inhabitants within this State, was read the second time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, January 30, 1782.

"On motion,

"*Resolved*, That the several Collectors of the public Taxes in "each Hundred of the respective Counties within this State do, "by the best ways and means in their power, inform themselves "of the number of all white persons within their respective hun- "dreds, and return an exact list thereof, on oath or affirmation "and under their hands, to the General Assembly at their next "meeting, distinguishing therein the number of each sex, male "and female, of the age of eighteen years and upwards, and the "number of each sex under that age.

"That the General Assembly will make provision for the pay- "ment of the Collectors for the service aforesaid.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

l met.

by order, the bill for the protection of the trade of the River and Bay of Delaware, was read a third graphs, and will pass.

hat Mr. William Polk return the same to the House together with the resolutions of that House to as- mber of white persons within this State, concurred ncil, and the act of Congress of the 11th December anying the same.

ported the delivery thereof according to order.

till to-morrow morning.

FRIDAY, February 1, 1782.

l met. Present the same members as on yesterday.

till 3 o'clock, P. M.

EODEM DIE, P. M.

il met.

member of Assembly, was admitted and delivered message from the President to the General Assem- th ultimo.

member also delivered to the Chair certain resolu- House of Assembly for accelerating the recruiting

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service, together with certain papers and a letter from Captain James Moore relative to that service.

Mr. Bassett, a member of Assembly, was admitted and delivered to the Chair a bill to remedy the defects that have arisen in the execution of an act of Assembly entitled "An act for embodying a number of the Militia of this State for the purpose of reinforcing the Army of the United States," together with the report of the committee of the House of Assembly on the act for embodying a number of the Militia, &c.

On motion, by order,

The President's message was read the first time, and is as follows, viz:

"*Gentlemen of the General Assembly:*

"My duty obliges me to represent to you, that part of the "ordinance of Congress, dated the fourth day of December last, "concerning captures, is likely to prove particularly and extreme-"ly detrimental to this State. Upon recaptures not made until "the expiration of twenty-four hours after the capture, there is "to be no restitution of any part. This regulation was adopted "by Congress, I believe, for the purpose of conforming therein "to the practice of other nations. So far it may be proper. "But I apprehend there ought to be a distinction made between "captures in common cases, and captures of vessels employed "in the coast trade, for the sole purpose of carrying the produce "of the country to market within the country, and always navi-"gating between lands on each side, without ever passing into "the open sea. The capture of such vessels is almost always "made within cannon shot of the shore, frequently within the "body of a county. They generally continue in or near the "the places where they are taken for upwards of twenty-four "hours, and, in every instance that has come to my knowledge, "the recapture has been made by citizens of some of the United "States. I therefore think, that with strict propriety, such re-"captures should be put upon the same footing with recaptures "of property originally captured on land, which is to be restored "to the former owner upon payment of a reasonable salvage, "not exceeding one-fourth of the value; no regard being had to "the time of possession by the enemy.

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esent regulation continues in force, the damage to
ust be exceedingly great, if not irretrievable, during
Ve have but very few shallops left, and the difficulty
g more is well known. If the property of those
is to be divested in the manner above mentioned,
probable that in a short time we shall not have a
nging to any citizen of this State. Of consequence,
be able to send our produce to market.

tter appears in the same light to you that it does to
it will be judged advisable to instruct the Delegates
te to use their utmost endeavors to obtain imme-
lteration of the ordinance in this particular.

or prohibiting persons from trading with the enemy,
ny amendments. I am informed that sometimes
loaded, and lie in harbor, or sail under such suspi-
nstances, as denote an intention of falling into the
e enemy by collusion. I sincerely wish the wisdom
slature may devise the most effectual means for pre-
punishing such conduct, as also the practice of go-
s or vessels in the bay or river, and corresponding
emy, without legal authority.

etary will lay before you several letters, dated De-
24th and January the 3d and 10th, and a report of
oore's proceedings in the recruiting service, with
vations on that subject.

ot appear that power has been expressly given to
oint a person in Mr. Montgomery's place on his
I understand that great delay, in settling the
as been occasioned by the distance at which the
ers reside from one another. I therefore beg leave
your consideration, whether it may not be best, in
ne vacancy, to appoint some person living nigh to
nb, as there will then be two Commissioners near
f the State.

etary will also lay before you a copy of the instruc-
commander of the State schooner, and his letter to
th of December. A former letter, therein referred
me to my hand. The diligence, activity, bravery,
nduct of this worthy officer, deserve great praise.

"JOHN DICKINSON.

nuary 28, 1782."

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Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair the act for more effectually punishing and discouraging offences committed in taking vessels out of the harbors of this State, together with a paper of amendments proposed thereto by the House of Assembly; which were read, considered and agreed to.

Ordered that the said bill be engrossed.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., February 2d, 1782.

The Council met. Present the same members as on yesterday.

On motion, by order,

The bill for punishing and discouraging offences committed in taking vessels out of the harbor of this State, being engrossed, was read and compared, and ordered to be sent to the House of Assembly for comparison, and to be signed by the Speaker of that House.

On motion, by order,

The resolutions of the House of Assembly for accelerating the recruiting service, were read the second time, and an amendment was proposed and agreed to.

On motion, by order,

The bill entitled "An act to remedy defects that have arisen in the execution of an act of Assembly entitled 'An act for embodying a number of Militia of this State for the purpose of reinforcing the Army of the United States,'" was read a second time, and an amendment was proposed and agreed to, and ordered to be transcribed.

Ordered, That the said bill and transcribed amendment; the resolutions for accelerating the recruiting service, with its trans-

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dment; the President's message and Capt. Moore's apers relative to the recruiting service, be sent to of Assembly by Mr. McDonough; who is also ap- eliver the bill for more effectually punishing and dis- fences committed in taking vessels out of the harbors to the House of Assembly.

gs, a member of Assembly, was admitted and de- e Chair a bill entitled "An act to increase the powers es of the Supreme Court, and for other purposes;" der, was read the first time.

nough now reported the delivery of the papers com- n.

es Polk, a member of Assembly, was admitted and the Chair the following verbal message from the sembly to the Council, viz:

use of Assembly propose to your honorable body Houses meet in the Council Chamber, at 3 o'clock on, to put in nomination persons to be balloted for tes to represent this State in the Congress of the tes for the present year.

Feb. 2, 1782."

till 3 o'clock, P. M.

EODEM DIE, P. M.

cil met.

cil took into consideration the verbal message from Assembly delivered in the forenoon, and thereupon

That the following answer to the same be sent to the sembly, viz:

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Gentlemen:

The Council assent to your proposal contained in your verbal message, and will be ready to receive your honorable House at three o'clock this afternoon.

Dover, Feb. 2d, 1782.

Ordered, That Mr. Grantham deliver the same to the House of Assembly.

Mr. Grantham reported the delivery thereof according to order.

The House of Assembly met the Council, in the Council Chamber, agreeable to the order of the day, to put into nomination persons to be balloted for as Delegates to represent this State in the Congress of the United States for the present year, when several persons were nominated, whose names were taken down for the consideration of the members.

On motion,

Resolved, That four persons be elected to represent this State in the Congress of the United States for the present year.

Then the General Assembly proceeded to the ballot, and upon examining the box containing the ballots, it appeared that Philemon Dickinson, Thomas McKean, Cæsar Rodney, and Samuel Wharton, Esquires, were declared duly elected Delegates from this State to the Congress of the United States for the present year.

Resolved, That the General Assembly now separate.

Then the House of Assembly withdrew.

On motion, by order,

The bill entitled "An act to increase the powers of the Justices of the Supreme Court, and for other purposes," was read a second time.

On motion of Mr. William Polk, for leave of absence until 12 o'clock on Monday next, the same was granted to him.

Adjourned till Monday morning at 10 o'clock.

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MONDAY, A. M., February 4, 1782.

The Council met. Present all the members as on Saturday, except Mr. John Polk.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the bill for establishing a Militia within this State, with a paper of amendments proposed thereto; which were read, considered and agreed to, except as to their sixth, twelfth and thirteenth amendments.

Ordered, That Mr. Baning deliver the said bill and paper of amendments to the House of Assembly.

On motion, by order,

The bill entitled "An act to increase the powers of the Justices of the Supreme Court, and for other purposes," was read a third time, by paragraphs, and some amendments were proposed, agreed to, and ordered to be transcribed and sent therewith to the House of Assembly, for their consideration and concurrence, by Mr. Cook.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Baning now reported the delivery of the several papers committed to him, according to order.

Mr. Barratt, a member of Assembly, was admitted and delivered to the Chair a copy of a letter from Alexander Hamilton, Esquire, (Aid-de-Camp) dated at Headquarters, Middle Brook, April 20th, 1779, and addressed to the commanding officer of the Delaware Regiment, inclosing an act of Congress of the 16th December, 1778, for annexing Capt. McLane's company to the

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Delaware Regiment; and also a resolution of the General Assembly of the 1st June, 1779, annexing Capt. McLane's company to the Delaware Regiment, together with certain resolutions of the General Assembly, dated October 31, 1780, empowering the State Treasurer to purchase a sum of money, in specie, for the benefit of the officers of the Delaware Regiment who were made prisoners on Long Island, &c.; and also a certificate, under the hand and seal of General Washington, dated the 31st December, 1781, together with a memorial of Allen McLane, dated January 30, 1782, founded thereon.

The same member also delivered to the Chair an act of Congress of June 13, 1781, respecting the officers of the Hospital and Medical Department, together with a bill entitled "An act for ascertaining the depreciation of the pay accounts of divers persons in the several departments of the army who are credited to this State as part of the quota of the land forces thereof, and for other purposes."

On motion, by order, the foregoing bill, and the several foregoing papers accompanying the same and delivered therewith, were read the first time.

Mr. Cook now reported the delivery of the several papers committed to him, according to order.

Mr. Read, a member of Assembly, was admitted and delivered to the Chair the resolutions for accelerating the recruiting service, with the amendment proposed thereto by the Council acceded to by the House of Assembly.

The same member also delivered to the Chair the bill for establishing a Militia within this State, with the first amendments proposed thereto by the House of Assembly and a paper of additional amendments proposed to the said amendments.

The Council took the said amendments into consideration, receded from such of the amendments of the House of Assembly as they had before disagreed to, and agreed to the additional amendments proposed by that House.

Ordered that the said bill be engrossed.

Mr. Peery, a member of Assembly, was admitted and deliv-

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Chair certain instructions to the Delegates of this
ress.

, by order, the foregoing instructions were read the

till to-morrow morning at 10 o'clock.

TUESDAY, A. M., February 5, 1782.

l met. Present the same members as on yesterday.

, by order,

tions for accelerating the recruiting service, were
ded, concurred in, and are as follows, viz:

mittee to whom was referred Capt. James Moore's
cting the recruiting service, addressed to the Presi-
y him laid before the Assembly, report it as their
t resolutions of the following import be added to
d the 13th of November last for recruiting the Dela-
nent:

at it be recommended to the President or Com-
Chief of this State to appoint one fit person in each
this State to muster the men enlisted to serve as
the Delaware Regiment under the regulations pre-
he resolutions of the said 13th of November last.

t Capt. James Moore be allowed to retain three
diem in lieu of his rations, out of the monies which
nto his hands for the recruiting service, so long as
employed therein.

t Captain Moore, with the approbation of the Pre-
uthorized to issue orders for rations to such of the
geants and old soldiers of the Delaware Regiment
in this State, in want of such support, until the
sembly shall take further order therein.

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"4th. That the President or Commander-in-Chief of the State "be authorized to draw orders upon the State Treasurer for such "further sums of money as he shall judge necessary, from time "to time, for the said recruiting business, not exceeding the ad- "ditional sum of nine hundred pounds.

"5th. That Col. Tilton, of Kent County, and Major Polk of "Sussex County, be authorized to pay unto Capt. Moore, upon the "orders of the President, such sums of specie money, as are or "may be come to their hands, respectively, as recruiting officers "for those two counties, under the act of Assembly entitled 'An "act to recruit the Regiment of this State now in the service "of the United States,' passed at New Castle, on the 12th day "of February last, and that such orders, with receipts thereon, "shall be allowed to them in their accounts with the General As- "sembly.

"6th. That Capt. Moore be authorized to pay, out of the "monies which he shall receive, as aforesaid, the sum of three "pounds, in specie, to any person or persons taking up and de- "livering to him a deserter belonging to the Delaware Regiment, "together with six pence a mile for each mile between the place "in which he may be taken and to which he may be conveyed for "delivery, as aforesaid.

"7th. That Capt. Moore apply to the Clothier-General of the "United States for such articles of clothing as are or may be "necessary and wanting, as well for the old soldiers of the Dela- "ware Regiment, now in the State, as for the new levies there- "of.

"8th. That Capt. Moore be accountable to the General As- "sembly for all such sums of money as shall come into his "hands, in pursuance of the foregoing resolutions, and that he "make monthly returns to the President of his proceedings in "the business aforesaid.

"9th. That it be recommended to the President to order "some of the officers of the Delaware Regiment, now in the "State, and who are under orders to join their regiment, to take "under their command and march off such of the old soldiers, "aforesaid, and the new levies, as may not be necessary to fur- "ther the recruiting service, and to proceed with the utmost ex- "pedition to the Regiment in the Southern Army, under Gen- "eral Greene.

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"10th. That in case of the death or other disability of the "said Capt. James Moore, to superintend the recruiting service, "and to perform other the duties prescribed to him, as well by "the several foregoing resolutions as by the said resolves of the "13th of November last, the President or Commander-in-Chief "of this State appoint some other fit person to the same service; "and that every person or persons, so appointed, shall have and "exercise all the powers and duties in the said resolutions res- "pectively prescribed and given to the said Capt. James Moore.

"Sent for concurrence.

"SIMON KOLLOCK, *Speaker.*"

On motion, by order,

The instructions to the Delegates of this State in Congress were read the second time, considered and concurred in, and follow in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, February 4th, 1782.

"Instructions from the General Assembly of the Delaware "State to the Honorable Thomas McKean, Philemon Dickin- "son, Cæsar Rodney, and Samuel Wharton, Esquires, Dele- "gates from the said State to the Congress of the United States "of America:

"*Gentlemen:*

"The affairs that will engage your attention as Delegates of "this State in Congress are so various and complicated that it is "impossible at this time to point out with precision the conduct "you ought to observe in conducting them.

"We expect that you will form such agreements among your- "selves, respecting your attendance, that this State will always "be regularly represented in Congress, and we desire that you "may, with the greatest diligence, strenuously promote all such "measures as, upon mature deliberation, you shall judge most "efficacious for maintaining and securing the freedom, indepen- "dence and happiness of the United States in general, and of "this State in particular.

"You will perceive by the resolutions of the Legislative Coun-

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"cil, and of the House of Assembly, dated the 23d and 28th of "January, 1779, of which a copy is herewith transmitted to you, "the objections made by this State to some articles of the Con- "federation. They appear to us to be well founded, and we "wish you would act conformably to them, and endeavor to pro- "cure an amendment of the Confederation in those particulars; "but we especially require that you will employ your most in- "dustrious exertions for obtaining, without any delay whatever, "a final settlement of the boundaries of those States whose "claims are immoderate, and of the rights of the United States "on the principles of the resolutions, an adherence to which is "so plainly consistent with justice and so indispensably essential "to the peace and welfare of the Union. This business we judge "to be of the first magnitude, as deeply interesting to us and our "posterity, and for very strong reasons we are clearly of opinion "that no time should be lost in bringing it to a conclusion.

"It is probable that the property of the islands in the Dela- "ware may be considered as connected with this subject. We "desire that you will attend also to this point, and that you will "take care that due regard be had therein to the rights of this "State.

"Part of the ordinance of Congress, dated the 4th day of De- "cember last, concerning captures, is likely to prove extremely "and particularly detrimental to this State, without any necessity "urging our being subjected to such hardships. Upon recap- "tures, not made until the expiration of twenty-four hours after "the capture, there is to be no restitution of any part. This "regulation was adopted by Congress, we understand, for the "purpose of conforming to the practice of other nations. So "far it may be proper; but we apprehend there ought to be "a distinction made between captures in common cases and "captures of vessels employed in the inland trade for the sole "purpose of carrying the produce of the country to markets "within the country and always navigating between and in sight "of lands on each side without ever passing into the open sea. "The capture of such vessels is almost always made within can- "non shot of the shore *infra præsidia* of the State, frequently "within the body of a county; they generally continue in or "near the places where they are taken for upwards of twenty- "four hours after, and in every instance that has come to "to our knowledge the recapture has been made by citizens of

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United States. We therefore think, that with the
priety such recaptures should be put upon the same
recaptures of property originally captured upon
by the same ordinance, is to be returned to the
er upon payment of a reasonable salvage, not ex-
-fourth part of the value, no regard being had to
possession by the enemy. If the present regulation
force, the damage to this State must be exceeding-
ot irretrievable, during the war. We have but very
left, and the difficulty of procuring more is too well
the property of those that remain is to be divested
er before mentioned, it is highly probable that in a
here will not be a vessel belonging to an inhabitant
. Of consequence, we shall not be able to send our
market, and it then becomes utterly impossible for
h our quota of supplies, which, indeed, is nearly
ady, from the almost continual interruption of our
y armed vessels from New York. For these rea-
nestly desire that you will use all the means in your
tain immediately an alteration of the ordinance in
ar.

e expect and desire, that if any particular doubts or
present themselves to your minds on questions of
nt, agitated, or likely to be soon agitated, in Con-
vill communicate them fully to the President of this
he may be enabled to judge of the expediency of
he Legislature and taking their sense thereon for
direction.

order of the House of Assembly,

"SIMON KOLLOCK, *Speaker.*

oncurrence."

by order,

ascertaining the depreciation of the pay accounts
ons in the several departments of the army who
o this State as part of the quota of the land forces
or other purposes, was read the second time, and
t is proposed, agreed to, and ordered to be trans-

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Ordered, That Mr. Cook deliver the said bill and transcribed amendment to the House of Assembly, together with the resolutions for accelerating the recruiting service, and the instructions to the Delegates in Congress, respectively concurred in by the Council.

Mr. Cook reported the delivery thereof according to order.

Adjourned to 4 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a petition from Jacob Vandegrift, in the County of New Castle, with a list of sundry forfeitures in the Court of Oyer and Terminer of Sussex County, and a resolution of the House of Assembly founded thereon, directing the Treasurers to demand the payment of fines and forfeitures.

On motion, by order, the foregoing papers were severally read the first time.

By special order, the foregoing resolution was read the second time and concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, Feb. 4, 1782.

"WHEREAS by an act of the General Assembly entitled 'An "act for ascertaining the salaries and allowances to the officers "and persons herein mentioned employed in the Government of "this State, and for providing a fund for the payment thereof,' "passed the 22d February, 1777, it is enacted that all fines and "forfeitures accruing within this State shall belong to and be for "the use of the same, and shall be paid to the Treasurer of the "County where the fine shall be imposed or forfeiture happen; "therefore

"*Resolved*, That the Treasurers of the several Counties of this

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ereby directed to demand of the Sheriffs respectively
nt of the fines and forfeitures which have or may
heir hands, and on neglect or refusal of payment to
same as the above-recited act directs, except in the
cob Vandegrift, in the County of New Castle, and
and Nathaniel Hynes and William Messick, in the
Sussex, and their sureties; and that they return a
nonies they may so receive to the General Assembly
eeting thereof.

rom the minutes. JAS. BOOTH,
concurrence. *Cl'k of Assembly.*"

That Mr. McDonough return the aforesaid resolu-
petition on which it is founded, to the House of
e delivery whereof Mr. McDonough reported, ac-
der.

by order,

r establishing a Militia within this State, being en-
read and compared, and ordered to be delivered,
, to the House of Assembly, for comparison and to
the Speaker of that House.

reported the delivery according to order.

member of the House of Assembly, attending, was
delivered to the Chair a letter, dated Dec. 27, 1781,
ans, Esq., respecting his certificate for money lent
on of this State, in September, 1776; a letter from
s, representing his distress by reason of his not
is account for work done as printer for this State,
a petition of Richard Janvier respecting the non-
is account for the expenses of part of the members
of Assembly in January, 1781, and a report of the
tee of Accounts on the said letters and petition.

member also delivered to the Chair a letter from
r respecting the schooner purchased for this State
l, with a resolution of the House of Assembly for
e State Schooner Vigilant.

by order, the foregoing papers were severally read

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On motion, by order,

The resolution for the sale of the State Schooner Vigilant, was read the second time, concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, Feb. 4, 1782.

"WHEREAS the General Assembly of this State have made "provision for procuring a vessel more suitable for the purpose "of protecting the trade on the Bay and River of Delaware than "the one now belonging to the State ; therefore

"*Resolved*, That Charles Pope, Esq., be and he is hereby em- "powered and directed, with the approbation of the President "and Commander-in-Chief, to make sale of the State Schooner "Vigilant, her tackle, apparel and furniture, at public sale, or "otherwise, for the best price he can obtain for her, and the "money arising by such sale to apply in discharge of a specialty "from Col. Henry Neil to a certain Thomas Salter, of the City "of Philadelphia, given for the price of said Schooner Vigilant, "and the balance remaining in his hands, if any, to account for "with the General Assembly at their next sitting thereafter.

"That the General Assembly will make such allowance to the "said Col. Pope for transacting this business, on settlement of "his accounts, as to them shall appear reasonable and just.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly*."

On motion, by order,

The report of the Joint Committee of Accounts was read, considered, and agreed to.

Ordered, That the said report, and letters therein referred to, and the foregoing resolution, with the concurrence of Council thereto, be returned, by Mr. Cook, to the House of Assembly ;

Who, being returned, reported the delivery according to order.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair the act to remedy defects, &c. ; the supplement for regulating and establishing fees ; the bill to increase the powers of the Justices of the Supreme Court; the bill for the protection

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, &c.; the bill for punishing offences committed in
s, &c.; the bill for ascertaining the depreciation of
unts, &c.; and the act for establishing a Militia, &c.,
h the several bills and amendments, and a resolu-
ouse of Assembly for affixing the Great Seal thereto,

oing bills, severally signed by the Speaker of the
sembly, were read and compared, and ordered to be
ne Speaker of the Council; which was accordingly

n, by order,

tion for affixing the Great Seal to the foregoing laws
l concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, Feb. 4, 1782.

on,

, That the President and Commander-in-Chief affix
Seal of this State to the following laws, to wit:

ct to remedy defects that have arisen in the exe-
act of Assembly entitled 'An act for embodying a
ne Militia of this State for the purpose of reinforcing
the United States;'"

pplement to the act entitled 'An act for regulating
ing fees;'"

ct to increase the powers of the Justices of the Su-
, and for other purposes;"

ct for the protection of the trade of this State on the
er of Delaware;"

ct for ascertaining the depreciation of the pay ac-
ivers persons in the several departments who are
this State as part of the quota of the land forces
for other purposes;"

ct for more effectually punishing and discouraging
mitted in taking vessels out of the harbors of this

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7. "An act for establishing a Militia within this State."

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That the foregoing bills and resolutions, respectively signed by the Speaker of the Council, be returned to the House of Assembly by Mr. McDonough;

Who, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 8 o'clock.

WEDNESDAY, A. M., February 6th, 1782.

The Council met. Present the same members as on yesterday.

The Council now proceeded to the settlement of the per diem wages and mileage of the members and Clerk, and thereupon allowed the following accounts, viz:

	£		
To the Honorable Thomas Collins, Esq.,	29	4	6
To Peter Hyatt, Esq.,	20	10	0
To Isaac Grantham, Esq.,	22	7	6
To Thomas McDonough, Esq.,	23	16	0
To John Cook, Esq.,	22	2	0
To John Baning, Esq.,	21	0	0
To William Polk, Esq.,	13	7	0
To John Polk, Esq.,	8	14	6
To Benjamin Vining, Clerk,	31	12	6
	£ 192	14	0

Ordered, That the Speaker of the Council draw orders on the State Treasurer for the payment of the above mentioned sums.

Whereupon the said orders were accordingly drawn and signed by the Speaker.

Then the Council adjourned to the 27th day of May next, to meet at the Town of Dover.

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MINUTES OF COUNCIL.

MAY, 1782.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MAY, 1782.

At a meeting of the Council, at the Town of Dover, in the County of Kent, by adjournment, on Monday, the 27th day of May, A. D. 1782, a sufficient number of the members to form an House not attending, the Council adjourned from day to day until Tuesday, the 11th day of June, 1782.

TUESDAY, June 11th, 1782.

The following members attended, viz :

For New Castle County—Peter Hyatt, Thomas McDonough, Isaac Grantham.

For Kent County—The Hon. Thomas Collins, John Baning, John Cook.

For Sussex County—William Polk.

Adjourned till 10 o'clock to-morrow.

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WEDNESDAY, A. M., June 12th, 1782.

The Council met. Present the same members as on yesterday.

On motion, by order, the minutes of yesterday were read.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till 10 o'clock to-morrow.

THURSDAY, June 13th, 1782.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, A. M., June 14, 1782.

The Council met. Present the same members as on yesterday.

Mr. Peery, a member of the House of Assembly, attending, was admitted and delivered to the Chair a message, addressed to the General Assembly, from his Excellency, the President, accompanied with the following verbal message from the House of Assembly to the Council relative thereto, viz:

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"VERBAL MESSAGE FROM THE ASSEMBLY TO THE COUNCIL.

"*Gentlemen:*

"The House of Assembly propose to your honorable body "that a conference of both Houses be held, in the Council "Chamber, half an hour hence, in order to receive the impor- "tant intelligence which his Excellency, the President, in his "message, now transmitted to you, desires to communicate per- "sonally.

"Friday, A. M."

On motion, by order,

The President's Message was read, and is in the following words, viz:

"*Gentlemen of the General Assembly:*

"I have lately received from a committee of Congress some "important intelligence of such a nature that I do not think my- "self at liberty to communicate it except it be personally.

"I therefore desire the honor of a conference with you while "sitting, or after the houses are risen, as may be most agreeable "to you.

"June 13, 1782. JOHN DICKINSON."

The verbal message from the House of Assembly being considered, the following answer thereto was drawn up and agreed to, viz:

Gentlemen:

The Council assent to the proposal contained in your verbal message, and will be ready to receive your honorable House at the time appointed.

Friday, A. M.

Ordered, That Mr. Baning wait on the House of Assembly with the same, and also return the President's Message.

Mr. Baning, being returned, reported the delivery thereof according to order.

The House of Assembly, agreeable to the order of the day,

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met the Council, in the Council Chamber, for the purpose expressed in their verbal message.

Ordered, That Mr. Read, Mr. Vandyke, and Mr. McDonough be a committee to wait on his Excellency, the President, and acquaint him that the two Houses are now met, in the Council Chamber, and are ready to confer with him on the subject matter of his message.

The committee, being returned, reported that they had waited on his Excellency, the President, and delivered the message committed to them, according to order, when his Excellency was pleased, in answer, to say that he would wait on the General Assembly immediately.

The President attended in the Council Chamber, had a conference with the General Assembly and communicated to them the important intelligence referred to in his message, and then withdrew.

Then the two Houses separated, and the Council adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., June 15, 1782.

The Council met. Present the same members as on yesterday, except Mr. Polk.

Mr. Vandyke, a member of the House of Assembly, attending, was admitted and delivered to the Chair a message from his Excellency, the President, to the General Assembly, dated June 12, 1782, accompanied with divers acts of Congress, letters, and other papers, therein referred to.

On motion, by order, the foregoing message and papers were severally read, and the said message is in these words, viz:

"*Gentlemen of the General Assembly:*

"His most Christian majesty has given so many decisive "proofs of his friendship for the United States, and his subjects

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"have manifested such a sincere esteem for us, that I am certain "you will learn, with all the pleasure of a grateful affection, that "the wishes of our beloved ally, and of *France*, have been grati- "fied by the birth of a *dauphin*.

"Your joy on this occasion must be enlivened by the honest "warmth which your hearts will feel, by expressing, in the pres- "ent situation of affairs, an inviolable adherence to the engage- "ments of your *alliance* and a just veneration for *national faith*.

"The late remarkable change in the British ministry, uniting a "great number of active, able and popular men in the same ad- "ministration, should in prudence add to the firmness and vigor "of our councils and proceedings.

"Our enemies ought to believe that our sole aim in this just "and necessary war is a safe and honorable peace; and that such "a peace, in our unalterable determination, includes indepen- "dence and concert with our ally.

"There is, however, too much reason to be persuaded that "the present ministers mean no more than to alter their plan of "conducting the war, excite jealousies, disgusts and divisions be- "tween the powers concerned in it, and while they afford us a "temporizing relief from some of its distresses, bend their force "against our friends, and at last return to the accomplishment "of the original object—our destruction.

"In this manner, it seems, all the blessings that might be de- "rived from the present opportunity are to be sacrificed to the "phantoms of ambition and revenge.

"We may, by this renewed persecution, be convinced of these "important truths—that our past calamities ought not to be im- "puted to the late ministers, but that every party in the kingdom "is hostile, and the people in general filled with an inveterate "enmity against us.

"Thus, every pretension to the esteem or confidence of Ame- "rica being removed, we shall receive additional evidence, from "the extended and deep fixed resentments of Great Britain, "that France is our *natural ally*, and our mutual welfare so in- "timately connected, that whatever injures one nation must, in "its consequences, necessarily affect the other.

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"Gentlemen—The Secretary will lay before you acts of Con-
"gress dated January 8th and 25th, February the 26th, and
"May the 27th—letters from the Commander-in-Chief, of De-
"cember the 19th, January the 22d, March the 5th and May
"4th—from the Financier, of January the 3d and 8th, February
"the 9th, March the 9th, April the 5th and May 9th—from the
"Secretary of War, of April the 9th—from the Secretary for
"Foreign Affairs, of February the 18th and 19th, and May the
"14th—one from General Greene, of February the 1st, and an-
"other from General Smallwood, of the 28th of the same month.

"From the information contained in several of these letters,
"you will perceive the indispensable obligation imposed upon
"us of drawing forth, from the resources of the State, early and
"adequate supplies, in compliance with the requisitions made,
"while justice and policy, as well as the arts and exertions of our
"enemies, all combine to demonstrate that every measure ought
"immediately to be adopted that can be devised for the support
"of *public credit.* In order to lay a firm foundation for future
"operations, I hope you will expedite the adjustment of all pub-
"lic accounts, and empower and authorize the United States, in
"Congress assembled, to make a final settlement of the propor-
"tions to be borne by each respective State of the general ex-
"penses of the war, from its commencement to the beginning of
"this year.

"I sincerely share with you in the high pleasure you must re-
"ceive from the truly honorable testimony given by that distin-
"guished commander, Generel Greene, to the uniform *good con-*
"*duct, singular merit,* and *important services* of the officers and
"soldiers of our line.

"A reinforcement is in readiness to march to the southward,
"as will appear from the report which I have desired Captain
"Moore to make.

"The Secretary will communicate to you several papers con-
"cerning the sale of the vessel lately belonging to the State, and
"the building of another, together with some correspondencies
"relating to the protection of trade in the River and Bay.

"As I judged it would give you some satisfaction to see how
"the accounts of this State with the United States stand, in the

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"books of their Treasury, I have prepared a copy of them, "which is herewith sent.

"Gentlemen—As an attention in rulers to the manners of "the people is so essential to the prosperity of a State, it is "with great regret I find myself compelled, by a regard for my "duty, to represent to you that some further provision appears "necessary for preventing those gross irregularities at places of "diversion, now become so frequent, by which the morals and "circumstances of many individuals are injured, and the wisest "and worthiest persons among us, whose minds are impressed "with a solemn sense of the distresses in which our country is "involved, are deeply afflicted.

"As I presume you will not choose to make a long session at "this season, I will only beg leave to submit to your considera- "tion whether it may not be advisable to appoint a committee for "the purpose of collecting, revising and amending the laws prior "to the Revolution, and preparing an appendix to contain those "that are obsolete, but under which the right to property has been "determined, and to shew when they were made, expired or "were repealed, with such other observations as may be judged "proper; so that the whole work, being hereafter subjected to "the judgment and correction of the Legislature, and then ap- "proved, might form a complete body of our laws to that period.

"JOHN DICKINSON."

Adjourned till 10 o'clock on Monday next.

MONDAY, June 17, 1782.

The Council met. Present the same members as on Saturday, except Mr. Polk.

Adjourned till 10 o'clock to-morrow.

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TUESDAY, A. M., June 18th, 1782.

The Council met. Present the same members as on yesterday, except Mr. Cook and Mr. Polk.

Mr. Ridgely, a member of the House of Assembly, attending, was admitted and delivered to the Chair a proposition from the House of Assembly for nominating persons to supply the vacancy in the Common Pleas and Orphans' Courts for Kent County; which, by order, was read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, June 17, 1782.

"On motion,

"*Ordered*, That Mr. Ridgely wait on the Council and pro-"pose to them that both Houses meet together, in the Council "Chamber, to-morrow at 4 o'clock in the afternoon, to put in "nomination persons to be balloted for to supply the vacancy in "the Court of Common Pleas and Orphans' Court for the County "of Kent, occasioned by the death of John Clark, Esq., Chief "Justice of the said Courts.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Grantham return the same to the House of Assembly, with the concurrence of the Council thereto, and also the President's Message of the 12th instant, with the several acts of Congress, letters, and other papers, accompanying the same.

Mr. Grantham, being returned, reported the delivery according to order.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

now attended.

cil and House of Assembly, agreeable to the order met in the Council Chamber for the purpose of nomination persons to be balloted for to supply of Chief Justice of the Court of Common Pleas and urt for the County of Kent, occasioned by the death k, Esq., late Chief Justice of said Courts.

o the nomination it was ordered that Mr. Peery, and Mr. Grantham be a committee to wait on his the President, and request his attendance at such if he think proper.

nittee reported that they had waited on his Excel- elivered the message committed to them, when he to say that he would wait on the General Assembly

dent attended in the General Assembly. Then the oceeded to put in nomination persons to fill the said ose names were taken down for their consideration.

,

That the General Assembly now ballot for a person ne out of the persons so nominated,

General Assembly proceeded to the ballot, and the xamined, it appeared that there were twenty-one r of Thomas Collins, Esquire, who was accordingly e duly elected Chief Justice of the Court of Common phans' Court for the County of Kent.

President withdrew, and the two Houses separated.

ke, a member of the House of Assembly, attending, and delivered to the Chair certain resolutions of the ssembly respecting a separate treaty of peace with .

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On motion, by order, the said resolutions were read the first time.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., June 19th, 1782.

The Council met. Present the same members as on yesterday, and also Mr. Cook.

On motion, by order,

The resolutions of the House of Assembly respecting a partial or separate treaty for peace with Great Britain, were read the second time, concurred in, and are as follows, viz:

"DELAWARE STATE.

"IN THE HOUSE OF ASSEMBLY, June 18, 1782.

"*Resolved unanimously*, 1. That the United States, in Con- "gress assembled, have, by their Confederation, the sole and "exclusive right and power of determining on peace and war, "and of entering into treaties and alliances.

"2. That the honor and true interests of the United States "require an inviolable adherence to the engagements of the "treaty between his most Christian majesty and the said States.

"3. That any man, or body of men, that shall presume, "without the authority of the said States in Congress assembled "first duly had, to enter into a negotiation concerning a peace "or truce with the King of Great Britain, or his agents, ought "to be considered and treated as enemies of the said States.

"4. That the whole power of this State shall be exerted for "enabling Congress to carry on the war until a peace consistent "with our Federal Union and national faith can be obtained.

"*Ordered*, That a copy of the foregoing resolutions be imme-

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"diately transmitted to the Delegates of this State in Congress, "as an instruction to the said Delegates.

"Signed by order of the House of Assembly,

"SIMON KOLLOCK, *Speaker.*

"Sent for concurrence."

Ordered, That Mr. Cook return the foregoing resolutions to the House of Assembly, with the concurrence of the Council thereto.

Mr. Cook reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of the House of Assembly, attending, was admitted and delivered to the Chair a letter addressed from the Secretary of Foreign Affairs to his Excellency, the President, dated May 14th, 1782, announcing the birth of a Dauphin of France, together with a resolution of the House of Assembly for celebrating the birth of a Dauphin of France.

On motion, by order, the same were severally read.

By special order, the said resolution was read the second time, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., June 19, 1782.

"The Minister of France having, on the 13th day of May last, "announced to Congress the birth of a Dauphin, and that hon- "orable body having, by their Minister for Foreign Affairs, com- "municated advice thereof to this State,

"*Resolved*, That his Excellency, the President, be desired to

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"give such directions as he may judge proper on the occasion "for testifying the great and sincere joy of this State on the "happy event so interesting to his most Christian majesty and "to France.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That the foregoing letter and resolution, as concurred in by the Council, be returned, by Mr. McDonough, to the House of Assembly.

Mr. McDonough reported the delivery according to order.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., June 20th, 1782.

The Council met. Present the same members as on yesterday.

Ordered, That the Speaker issue a writ directed to the High Sheriff of Sussex County for the election of two Councillors for said County, to fill the vacancies occasioned by the deaths of William Conwell and John Polk, Esquires.

Which was accordingly done.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Carty, a member of the House of Assembly, was admitted and delivered to the Chair a bill to prevent the sales of lands, goods or chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes; which, by order, was read the first time.

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member of the House of Assembly, attending, was delivered to the Chair a bill for the aiding and more rrying into execution certain acts of Congress of the of February, 1782, delivered therewith.

by order, the same was read the first time.

till 9 o'clock to-morrow.

FRIDAY, A. M., June 21st, 1782.

l met. Present the same members as on yesterday.

, leave of absence was granted to Mr. Grantham, esent sitting of the Council, on account of his indis-

by order,

prevent the sales of lands, goods or chattels by utions, &c., was read the second time.

by order,

r more effectually carrying into execution certain ress of the 20th and 27th February last past, was nd time.

till 3 o'clock, P. M.

EODEM DIE, P. M.

l met.

, by order, the bill for more effectually carrying certain acts of Congress of the 20th and 27th Feb- vas read a third time, by paragraphs, and passed

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Ordered, That Mr. Baning return the sam
Assembly;

Who, being returned, reported the delivery

Mr. Duff, a member of the House of Asse
and delivered to the Chair a petition from F
soldier in the Delaware Regiment, for his disc
lution of the House of Assembly founded the

Mr. Grantham presented his account for h
and mileage, amounting to £12 : 14 : 0; whic
an order was drawn for the payment of the sa

On motion, by order,

The petition of Robert Timmons, and the re
bly, founded thereon, were severally read the

By special order, the said resolution was rea

Ordered, That Capt. Kirkwood be reque
Council and give information to them concer
of the said Robert Timmons.

Capt. Kirkwood attended the Council and i
cerning the enlistment of the said Robert Tim

Ordered, That the said petition and resc
further consideration until to-morrow.

Adjourned till 8 o'clock to-morrow.

SATURDAY, A. M

The Council met. Present the same membe
except Mr. Grantham.

On motion, by order,

The bill to prevent the sales of lands, good
was read a third time, by paragraphs, and a

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d agreed to, viz: To add the word [lands] between
ıch] and the word [goods], in first page and twelfth

That Mr. Polk return the said bill and amendment
e of Assembly.

being returned, reported the delivery thereof ac-
rder.

ı, the further consideration of the resolution of the
ssembly for discharging Robert Timmons, was re-
the same was disagreed to by the Council.

, a member of the Assembly, was admitted and
the Chair sundry accounts of purchases made by
oy and McClay for the Delaware State, accompanied
ution for the payment of £703 : 17 : 1 to William
Henry Darby.

ı, by order, the same were read.

l order, the said resolution was read a second time,
, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, P. M., June 21, 1782.

on,

, That the Speakers of both Houses draw an order
te Treasurer for the sum of seven hundred and three
venteen shillings and one penny in favor of William
Esq., and Henry Darby, to enable them to discharge
racts for supplies of provisions and forage furnished
y under General Washington, agreeable to the reso-
the General Assembly for that purpose, dated the
9th of October last.

from the minutes. JAS. BOOTH,
concurrence. *Cl'k of Assembly.*"

ayton, a member of Assembly, was admitted and de-
ıe Chair the bill to prevent the sales of lands, &c.,
amended, and signed by the Speaker of the Assem-
with the bill for aiding and more effectually carrying

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into execution certain acts of Congress, &c., also signed by the Speaker; a resolution for affixing the Great Seal thereto, and the following notification of their intention to adjourn, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, June 22, 1782.

"*Ordered*, That Mr. Clayton wait on the Council and inform "them that this House intend to adjourn the present session this "day to some future time.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

The foregoing bills, being read and compared, were ordered to be signed by the Speaker; which was accordingly done.

On motion, by order,

The resolution for affixing the Great Seal to the foregoing bills was read, concurred in, and follows in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, June 22, 1782.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of the State to the following laws:

1. "An act for aiding and more effectually carrying into execution certain acts of Congress of the twentieth and twenty-seventh days of February last past;"

2. "An act to prevent the sales of lands, goods or chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes."

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Mr. Latimer, a member of the House of Assembly, was admitted and delivered to the Chair a memorial from Dr. James Tilton, with the report of the committee of the House of Assembly on the memorials of Capt. James Moore and Doctor Tilton,

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tion of Genethan Harney, and a resolution of Assem-
ng Doctors Tilton and Latimer.

n, by order, the same were severally read.

order, the resolution respecting Doctors Tilton and
s read a second time, concurred in, and follows in
viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, June 22, 1782.

ouse resumed the consideration of the report upon
rial of Doctor James Tilton, &c., and thereupon

, That the Speakers of both Houses draw an order
te Treasurer in favor of the said James Tilton for one
nd fifty pounds, on account of his pay since the 1st
780; and a similar order in favor of Doctor Henry
r the sum of one hundred pounds, on account of his
the time aforesaid.

from the minutes. JAS. BOOTH,
concurrence. *Cl'k of Assembly.*"

l till 3 o'clock, P. M.

EODEM DIE, P. M.

cil met.

That the before mentioned bills, respectively signed
ker of the Council, and the resolution of Assembly
he Great Seal thereto, concurred in by the Council,
by Mr. Cook, to the House of Assembly, together
counts for purchases made by Messrs. McClay and
the resolution founded thereon concurred in by the
e memorial of Doctor James Tilton, &c., the report
se of Assembly thereon, and the resolution of that
ecting Doctors Tilton and Latimer.

reported the delivery according to order.

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Mr. Peery, a member of the House of As
was admitted and delivered to the Chair the r
tors of the Pay Accounts of the Officers, &c.
Regiment, together with a resolution of the H
for the payment of the said auditors, and a resc
ing seamen to navigate the State schooner.

On motion, by order,

The report of the Auditors of the Pay Accou
&c., and the resolution of the House of Assem
on, were severally read the first time.

By special order, the said resolution was r
and concurred in, and is as follows, viz :*

On motion, by order,

The resolution for employing seamen to n
schooner, was read the first time.

By special order, the same was read a secon
in, and is as follows, viz :*

Ordered, That Mr. Cook return the said repo
&c., and the two foregoing resolutions, with t
the Council thereto respectively, to the House

Who, being returned, reported that he h
House of Assembly with the same, according t

The Council now took into consideration th
per diem wages and mileage of their Members a
in for the service of the State during the presen
following were allowed, viz :

To Isaac Grantham, Esq., for 12 days' attenda
the Council, at 17s. 6d. per day, and milea
6d. per mile, ...
To Hon. Thos. Collins, Esq., Speaker, for 15
attendance, at 22s. 6d. per day, and milea
1s. per mile, ...

Carried forward, ...

*These resolutions are not recorded.

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ght over, ...	£ 30	2	6
att, Esq., for 16 days' attendance, at 17s.			
day, and mileage, at 6d. per mile, . . .	15	10	0
McDonough, Esq., for 15 days' attend-			
do., and mileage, at do., ...	14	11	6
Polk, Esq., for 13 days' attendance and			
at do., ...	12	4	6
ng, Esq., for 13 days' attendance, at do.,	11	2	6
x, Esq., for 16 days' attendance, at do.,	14	12	0
Vining, Esq., for 13 days' attendance			
, &c., ...	15	1	3
	£113	4	3

That the Speaker draw orders on the State Treasurer ent of the above mentioned sums.

s accordingly done.

lso, That the Speaker sign a joint order in favor of son for £6 : 0 : 0; another in favor of Ann Westly ; ditto in favor of Rachel Bullen for £13 : 5 : 0; do. lary Lewis for £9 : 15 : 0—£38 : 0 : 0.

s accordingly done.

Council adjourned to the 20th day of October next.

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MINUTES OF COUNCIL.

OCTOBER, 1782.

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ES AND PROCEEDINGS

OF THE

NCIL OF THE DELAWARE STATE.

EGULAR SESSION, OCTOBER, 1782.

utes of this session, which was held at Dover, com-
ctober 1st, and adjourned November 1st, until Janu-
83, are lost, but the following documents submitted,
ions, &c., passed, are preserved, to wit:

E OF HIS EXCELLENCY, JOHN DICKINSON, PRESIDENT.

n of the General Assembly:

very sincere pleasure in advising you, that their High
esses the States General of the United Provinces have
dged and received a Minister Plenipotentiary of the
tates in that quality, an event likely to be immediately
l by treaties of alliance and commerce greatly bene-
oth nations.

ecretary will lay before you letters from the President
ess, of the 19th and 24th of June, and the 20th of
m the Commander in Chief, of the 28th of May—from
ucier, of the 9th, 29th and 30th of July, the 15th, 17th
of August, the 12th and 20th of September, and the
tober—from the Secretary at War, of the 8th of July,
August, and the 15th of October—from the Secretary
gn Affairs, of the 2d of May, and the 12th and 15th of
r—from Governor Clinton, of the 4th of August—

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"from General Gist, of the 5th of June—and
"manding Officer of our Troops in the South
"8th of July, and the 10th of August.

"I beg leave to refer you, Gentlemen, to sev
"gress communicated in former Messages, to
"to your attention at the present Sessions, and
"an early as well as a pointed compliance of th
"tures with the determinations of that National
"lutely necessary for establishing a system of r
"cacy in the affairs and for maintaining the hon
"States.

"You will perceive by a resolution of the Ho
"and the Council of New Jersey, of the 24th o
"missioners are appointed for settling and est
"of jurisdiction between that State, Pennsylvan
"Commissioners are also appointed by the State
"and such a measure seems proper to be take
"settling the line of the jurisdiction in the Bay
"ware.

"Upon considering, after your last recess, so
"that had lately occurred, I judged it expedie
"Commander-in-Chief before I should give
"ance of your resolutions, for the march of the
"diers then in the State to the southward. I
"his answer, and of the second letter above me
"Secretary at War, orders were issued for thei
"delphia, which have been executed, as will a
"Moore's letter of the 7th of August.

"As it appeared to me my indispensable
"that our militia should be placed on the most
"ing, I have constantly and diligently applied
"great point. Returns have been required of t
"and of the arms both public and private fit fo
"County. These are now presented to you;
"you will observe, how necessary it is, that im
"should be made for procuring further supplies
"It is much to be wished, that the General Ass
"devise means for establishing an Artillery
"competent number of field-pieces, in each Cou

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"I have lately reviewed every Regiment in the State, except "the eighth, and have been generally pleased with the appear- "ance and behavior of the officers and privates on this occasion, "and particularly of Colonel Duff's, Colonel Hall's, Colonel "Jones's and Colonel Polk's Regiments.

"An adjustment of all public accounts is a business of such "moment that it ought to be made with dispatch, and published "for the satisfaction of our constituents, and an officer of skill "and integrity should be appointed to keep them in perfect or- "der for the future, so that the General Assembly and Execu- "tive may easily and without loss of time know the state of our "finances, and avoid errors and difficulties in transactions relat- "ing to them. The propriety and advantage of such a measure "are too manifest to need any arguments for enforcing its adop- "tion.

"Many of our titles to lands depend upon records in Pennsyl- "vania. Transcripts from them should be obtained, and duly "recorded in some of our offices. It may not be improper, "that a committee should be empowered to inquire and report "whether the records in general are safely and properly kept.

"The Laws require very considerable amendments to be made, "for preventing substantial justice being defeated or delayed by "unnecessary and injurious forms; for ascertaining with preci- "sion the Statutes prior to the Revolution that are to be regarded "as parts of our jurisprudence; for securing the inestimable bene- "fits of the writ of *habeas corpus;* and for fixing the trial by "jury on such a solid basis as will guard as much as possible "against its being shaken by the dreadful efforts of party rage— "if that blind and destructive power, from which we are now so "happily free, should in times to come attempt to pull down the "pillars in our Courts, for supporting which the precious blood "of our brave fellow citizens has been so nobly offered and liber- "ally poured out. Regulations of this sort will be among the best "inheritances we can leave to our posterity.

"Another amendment humanity compels me to propose, that "persons manumitting healthy slaves, not advanced in years, "should not be obliged to give security for their maintenance, "and that slaves should not be sent upon sale or otherwise to "places distant from their usual residence, by which means

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"affectionate and near relations are cruelly se
"another, and the remainder of their lives extr
"The Legislatures of several neighbouring S
"deep sense of the divine favors to them in thi
"own freedom, and by an enlightened con
"lately passed laws for alleviating the afflictio
"and too often abused part of their fellow crea
"the warmest hopes that the Legislature of th
"late the most generous and wise examples of

"JOHN

"Dover, October 29, 1782."

RESOLUTION IN RELATION TO A DAY
THANKSGIVING.

Resolved, That his Excellency the Presiden
appoint and proclaim that Thursday, the 28th
next, be observed throughout this State as
thanksgiving for the purposes expressed in th
the United States in Congress assembled, of th
instant.

MESSAGE OF HIS EXCELLENCY, JOH
PRESIDENT.

"*Gentlemen of the General Assembly:*

"The Secretary will present to you a letter
"of France, of the 14th, and another from M
"of the 18th of this month.

"Such a recommendation, I doubt not, will
"and it seems, from all circumstances which
"knowledge, that policy and humanity may b

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"by admitting the recent services of the offender as an atone-
"ment for his former misconduct.

"A barge of the enemy being lately cast on shore near Lewes-
"Town was seized, with her arms, tackle and apparel, and the
"crew were made prisoners by some of the inhabitants of that
"place and the neighborhood. Several young men, who were
"concerned in the seizure, have informed me, that if the State
"would be pleased to give up the public share of the prize to
"them, they would fit her out at their own expense as an armed
"vessel for assisting to protect the navigation of the Bay. It
"appeared to me a proposal deserving to be communicated to
"you. I have seen and examined the boat. She is of very little
"value, and I am persuaded cannot possibly be applied to any
"other use so properly, as in the desired encouragement of the
"men I have mentioned. A list of their names is enclosed.

"By a message of the 19th of last January I recommended the
"passing a law 'For better securing and escorting prisoners of
"war and deserters;' and I now think it my duty to repeat my
"application on that head. For want of due regulations, a very
"unreasonable share of public service is imposed on the Militia
"in some parts of Sussex County; and not unfrequently, after
"they have performed such service in a manner much to their
"credit, prisoners make their escape.

"James Millis, lately keeper of the goal in this town, last week
"discharged ten prisoners of war brought up from Lewes-Town
"and committed to his custody, under pretence that no provi-
"sion was made for their support. Six of them were quickly re-
"taken by the spirited and zealous activity of the Sheriff and
"some inhabitants of this County. Afterwards two of them es-
"caped again. Similar instances have happened too often. If it
"be considered that every one of these prisoners, if detained for
"exchange, might have restored to his country, his family and
"friends, some worthy fellow citizen now languishing in captiv-
"ity, I am sure, you, gentlemen, will feel the proper sentiments
"on circumstances so injurious to our unhappy countrymen, and
"so disreputable to the State.

"JOHN DICKINSON.

"Dover, October 30, 1782."

The aforesaid two letters from the Minister of France and the

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Honorable Robert Morris, soliciting a pardon
were also read, reciting that the said Luke Sh
inhabitant of Lewes-Town, having fled to the
in the capacity of a pilot on board of one of th
was captured by his most Christian majesty's
and has rendered very essential services on bo
commending that such services be admitted as
his former misconduct, in adhering to the enem
—*Extract from Journal of the House of Assem*

RESOLUTION IN RELATION TO THE TROOPS IN THE SERVICE OF UNITED STATES.

WHEREAS Congress, on the first of this ins
resolve, "That no monies paid by any of the
"cers and soldiers of the army of the United
"the year 1782, be considered as advanced in
"ted States, and that the same be not credited
"which the advance shall have been made;"
to comply with the economical views of Congre
to this State,

Resolved, That this State will not in future ad
clothing, or other necessaries, as pay, to any
soldiers of the army of the United States.

AND WHEREAS the General Assembly hav
articles of clothing and sums of money to be
officers and soldiers of the Delaware Regimen
tal Army, in order to relieve their distress, an
discharge their duty to the Continent; and ha
divers quantities of forage, provision and othe
use of the army of the United States; therefor

Resolved, That the State Treasurer forthwith
account of all monies advanced by him to the of
ware Regiment, and of all clothing and other ne
for them by this State, and of all supplies of w
have been furnished for the use of the Contine

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ave been made on him, by order of the Commander
the State, or the General Assembly; and that he
ies thereof immediately to the General Assembly and
aster-General, in order that the same may be entered
against the officers and troops so paid and supplied
as a credit to this State with the United States, out
nt tax.

That a copy of these resolutions be sent to the dele-
s State in Congress, as an instruction to them to urge
s the propriety of crediting the State with the monies
anced for the aforesaid purposes; and that they use
t endeavors to have such credit given without delay.

TION IN RELATION TO APPOINTMENT OF ISSIONERS TO SETTLE ACCOUNTS OF S STATE WITH THE UNITED STATES.

s the nomination of William Winder, Jr., a commis-
he purpose of settling and adjusting the accounts be-
Delaware State and the United States, and for liquida-
ttling in specie value all certificates given by public
ndividuals in this State, and other claims by individ-
the United States, according to the form and effect
f Congress of the 20th of February 1782, has been
nced; therefore,

That the nomination aforesaid of William Winder,
hereby is recognized and approved.

That an attested copy of the above resolution be de-
is Excellency the President of this State, in order that
transmitted to the Superintendent of Finance.

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RESOLUTION IN RELATION TO BA
BAYNUM, INDICTED FOR HIGH T

WHEREAS it has been represented to the C that a certain Bartholomew Baynum, of the C who stands indicted for high treason, hath ref himself and abide his legal trial; and is going County in an armed and hostile manner, in ope Laws of this State, to the injury of the State and of others; in order, therefore, that he may be brought to justice,

Resolved, That the President be requested a issue his proclamation, offering a reward of fi person or persons who shall apprehend and sec tholomew Baynum in the public goal of the Cou

Resolved, That the aforesaid reward be paid of Sussex County, on the certificate of the Sher hath received the aforesaid Bartholomew Bayn of the same County, which sum shall be all Treasurer on the settlement of his accounts wit surer.

RESOLUTION FOR APPOINTMENT O
SIONER TO SETTLE ACCOUNTS
STATE WITH THE UNITED ST

WHEREAS the nomination of William Winde sioner for settling and adjusting the accounts the United States, agreeable to the directions gress of the 20th of February last, hath been General Assembly; and it is necessary that nominated and appointed, on the part of this and lay the said accounts before the said com fore

Resolved, That William Peery, Esq., be a pointed for the purpose aforesaid.

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Resolved, That the General Assembly will defray the expense that may be incurred by the said William Peery in the discharge of the business aforesaid.

RESOLUTION IN RELATION TO THE ASCERTAINMENT OF THE LOSS OF PROPERTY, &c., BY CITIZENS OF THIS STATE DURING THE WAR.

WHEREAS Congress have requested, that each of the States obtain, as speedily as possible, authentic accounts of the slaves and other property which have been carried off or destroyed by the enemy, in the course of the present war; therefore

Resolved, That the County Treasurers respectively be and they are hereby empowered and directed to issue their orders to the Collectors, to put up three or more advertisements, in the most public places in each Hundred, directing those persons whose slaves have been carried away, or other property taken or destroyed by the enemy, since the commencement of the present war, to make and return, on oath or affirmation, an exact and true account and estimate thereof, to the best of their knowledge, to the Collector of the Hundred such person resides in, who shall transmit the same to the Treasurer of his County.

That the said Treasurer, on receipt of the said accounts and estimates, shall state the same in a fair account, distinguishing the property taken in each Hundred, and return the same to the General Assembly at their next meeting.

That the Levy Court of each County make an adequate allowance to the Treasurer and Collectors of such County for their performance of the duties hereinbefore enjoined them.

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MINUTES OF COUNCIL.

JANUARY, 1783.

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S AND PROCEEDINGS

OF THE

CIL OF THE DELAWARE STATE.

OURNED SESSION, JANUARY, 1783.

ng of the Council at the Town of Dover, in Kent adjournment, on Monday, the 6th day of January, a quorum of the members to form an House not e Council adjourned from day to day till Saturday, nt.

SATURDAY, P. M., January 11th, 1783.

ng members attended, viz:

Castle County—Thomas McDonough.

County—The Hon. John Cook, Richard Bassett,

County—

ead, Esquire, a member of the Council chosen for f New Castle, on the first day of October last, in Peter Hyatt, Esquire, whose seat became vacant by eared in the Council, and took the oath and sub- declaration prescribed by the twenty-second article tution of this State, and then took his seat. [*See 1a.*]

to Monday at 11 o'clock.

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MONDAY, P. M., January 13th, 1783.

The Council met. Present the same members as on Saturday, and also Mr. Grantham.

Mr. Read, at his seat, made his excuse for his non-attendance at the meeting of the Council in October last; which was admitted.

Mr. Speaker laid before the Council a letter addressed to the Vice-President of this State, of the 6th instant, by Samuel Wharton, Esquire, one of the Delegates of this State in Congress, inclosing sundry extracts from the Journals of Congress from Sept. 14 to Oct. 29, 1782, together with several resolutions of that honorable body; which, by order, were severally read.

Adjourned to to-morrow at 10 o'clock.

TUESDAY, A. M., January 14, 1783.

The Council met. Present the same members as on yesterday.

Mr. Carty, a member of the House of Assembly, attending, was admitted and delivered to the Chair a letter, dated Philadelphia, Nov. 4, 1782, addressed by the President to the Speaker of the Council, together with a message from his Excellency to the General Assembly, dated Jan. 11, 1783, and the resolutions of the House of Assembly on the committee's report on the said message.

On motion, by order,

The President's Message of the 11th instant, and his letter to the Speaker of the Council, were severally read, and the said message is in these words, viz:

"*Gentlemen of the General Assembly:*

"Since the last recess of the General Assembly, I have been "elected President of the Supreme Executive Council of Penn- "sylvania; and the duties of that office requiring my residence

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"there, I was prevented from removing to Wilmington, after I "had got my house in that place prepared, at a considerable "expense, for the reception of my family.

"I wrote immediately to the Honorable the Speaker of the "Legislative Council, requesting him to take the administration "upon him, according to the Constitution, and to the Secretary "to deliver to him the Great Seal.

"The General Assembly will, I hope, approve of my engag- "ing in the employment that has been mentioned, in a sister and "neighbor State—the true interests of both being, by situation "and a variety of circumstances, so intimately connected—espe- "cially when they consider *how earnestly I entreated* to be excus- "ed from accepting the Presidency here—that I have faithfully "and to the best of my abilities served a year—and that I could "*not avoid* accepting the Presidency lately conferred upon me, "without involving myself in circumstances exceedingly disa- "greeable.

"I now do myself the honour of waiting upon you, gentlemen, "to inform you of this event, and to acquaint you, that I am "ready to resign the dignity I hold in this Republic, in such "manner as you shall judge proper. But permit me to add that "my affection and gratitude to the State I never will resign but "with my life.

"My words are unable to do justice to my sentiments on this "occasion. I cannot but remember that I have transacted a "multiplicity of business with most of you for several years, "and in times of distress, and have never had the least personal "difference with any one of you. I cannot but remember the "politeness and kindness with which, in your public and private "capacities, you have constantly treated me.

"Be pleased, gentlemen, to receive the warmest thanks my "heart can feel for these instances of your goodness; and allow "me to trust that you will continue to me the share of your "esteem which has been and will always be so great a part of "my happiness.

"That Divine Providence may protect and bless you, gentle- "men, and that this State may flourish and abound with pros- "perities till time shall be no more, is my fervent prayer.

"JOHN DICKINSON.

"Dover, January 11, 1783."

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On motion, by order,

The resolutions of the House of Assemb
mittee's report on the President's Message
were read the first time.

Mr. Charles Polk, a member of the Hous
tending, was admitted and delivered to the
for the appointment of a Committee of Accou

On motion, by order, the foregoing resol
first time.

By special order, the same was read a seco
in, and is as follows, viz :

"IN THE HOUSE OF A
"TUESDAY, A. M

"On motion,

"*Resolved*, That Messrs. Thomas Kean,
"Nathaniel Waples be a Committee of Publi
"part of this House, and that Mr. Polk wait
"a copy of this resolution, and propose to the
"of a committee of their body to join with th
"House in the business aforesaid.

"JAS. BOOTH, *Cl*

And thereupon, on motion,

Resolved, That Messrs. John Baning and
committee on the part of the Council to join
of the House of Assembly in the business abo

Adjourned till 3 o'clock, P. M.

Ec

The Council met and adjourned till to-mor
o'clock.

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WEDNESDAY, A. M., January 15th, 1783.

cil met. Present the same members as on yesterday, . Joshua Polk.

That Mr. Grantham return to the House of Assembly on for the appointment of a Committee of Accounts, ncurrence and appointment of the Council thereto. me member also return to that House the several the Financier, with their inclosures, which were de- ne Council from the Assembly previous to the late t.

on of Mr. Read, that a committee be appointed to bring in a bill for methodizing the public accounts, more effectual settlement of the same, the same was

on Mr. Read, Mr. Bassett, and Mr. McDonough are committee for that purpose.

d till 3 o'clock, P. M.

EODEM DIE, P. M.

cil met.

tham now reported the delivery of the papers com- n, according to order.

l to 10 o'clock to-morrow.

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THURSDAY, J

The Council met. Present the same membe
and also Mr. William Polk.

Several of the members attending on comm
adjourned till to-morrow at 10 o'clock.

FRIDAY, J

The Council met. Present the same membe

Several of the members attending on comm
adjourned till to-morrow at 10 o'clock.

SATURDAY, A. M., J

The Council met. Present the same membe
except Mr. Joshua Polk.

Adjourned to 3 o'clock, P. M.

Eo

The Council met and adjourned till Mond
o'clock.

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MONDAY, P. M., January 20th, 1783.

cil met. Present the same members as on Saturday.

s, a member of the House of Assembly, attending, d and presented to the Chair a message, dated Jan- 1783, from the President to the General Assembly, th a message, of the same instant, from the Vice- the General Assembly, inclosing one letter from the r Foreign Affairs of the 23d of December last; one ssistant Secretary of War of the 3d instant, and two nancier of the 21st and 23d of October last; besides s and papers containing intelligence of a public na- so another message from the same of the 17th inst.

e member also delivered a letter of the 8th instant, y Captain McKennan to the President of this State, he arrival of the Delaware troops from the South- ith a resolution of the House of Assembly founded

e member also delivered certain resolutions of the ssembly respecting the State schooner.

e member also delivered an account from Thomas inter, for printing done for this State, amounting to with a resolution of the House of Assembly for the the same, and a blank order on the State Treasurer, e sum, in favor of James Booth, Esq., to enable him the said account.

e member also delivered an account from Samuel late High Sheriff of New Castle County, for services nting to £7 : 10, with a resolution of the House of r the payment of the same, and a blank order on the rer for that purpose.

l till 10 o'clock to-morrow.

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TUESDAY, A. M., Jan. 21st, 1783.

The Council met. Present the same members as on yesterday, and also Mr. Joshua Polk and Mr. Collins.

On motion, by order,

The President's Message of the 13th instant was read, and is as follows, viz:

"*Gentlemen of the General Assembly:*

"I omitted mentioning in my last address to you that I have "advanced money and incurred debts to a considerable amount "for the use of the State. I make no doubt but due care will "be taken that these shall be soon discharged.

"Dover, January 13th, 1783. JOHN DICKINSON."

On motion, by order,

The message from the Vice-President, of the same date, was read, and follows in these words, viz:

"*Gentlemen of the General Assembly:*

"In the absence of the President from the State, and upon "his request, signified to me by a letter dated at Philadelphia, "the 4th of November last, I assumed the administration of the "government, agreeable to the Constitution, a few days after "your adjournment of the last sessions, and have exercised the "same during your late recess, with every endeaver to discharge "the important trust thus devolved upon me, with diligence and "fidelity.

"The trade of this State on the Bay and River Delaware, at "the time I entered upon the administration, evidently required "every possible exertion for its protection, and the insufficiency "of our funds prevented the equipment of the State schooner "for that purpose. I therefore judged it most advisable to fit "out the said vessel, if practicable, in concert with the State of "Pennsylvania, whose interests are equally affected by the ene-"my. Accordingly, with the concurrence of several members "of the Council and Assembly, on the 13th of November last,

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"I issued instructions to Charles Pope, Esq., commander of the "said schooner, to contract with the Marine Commissioner of "Pennsylvania, for transferring to that State, by way of sale, a "part of the said vessel, and generally to concur with them in "adopting such measures as might be requisite for her speedy "equipment for the protection of the trade. The Secretary will "lay before you a duplicate of these instructions, and the cor- "respondence between the said commissioners and Charles Pope, "by which you will perceive that he has been unable to effectu- "ate the measures recommended to him.

"This State having incurred a considerable debt in building "and arming the said vessel, and our funds at this time being "inadequate to her present equipment and regular maintenance, "I beg leave to suggest it, as expedient, that application be "made to the State of New Jersey to employ the said vessel "jointly with this State for the protection of the trade of both, "which is similarly circumstanced and equally exposed. If this "measure is unattainable, or does not meet with the approba- "tion of the General Assembly, I think it would redound to the "interest of the State that she should be sold.

"I have directed the Secretary to lay before you the following "letters—one from the Secretary for Foreign Affairs of the 23d "of December last—one from the Assistant Secretary at War, "of the 3d instant—and two from the Financier, of the 21st and "23d of October last.

"To the requisitions of Congress, inclosed in the letters from "the Financier, I have no doubt but that your honors will pay "that attention which their importance require; and I beg leave "to recommend to you that a distinction and appropriation of "the public taxes, which Congress have strongly urged for ob- "vious and cogent reasons, be made.

"The Secretary will also lay before you divers letters and "papers containing intelligence of a public nature, which I have "received in the recess of the General Assembly.

"JOHN COOK, *Vice-President.*

"Dover, January 13, 1783."

On motion, by order,

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The Vice-President's Message of the 17th read, and is as follows, viz :

"*Gentlemen of the General Assembly:*

"I last evening received intelligence from "commanding that part of the Delaware Re "been doing duty in the Southern Army, that "to this State and may be expected by the "Lieutenant Hyatt has been sent forward wit "and to assist in making preparation for the "troops. As I am not informed from any pu "they are destined for any service immediatel "sary that provision and quarters should be "them forthwith, and therefore I recommen "you. The Secretary will lay Capt. McKen "you, and should the General Assembly wis "formed of the numbers and conditions of th "Lieut. Hyatt will attend them. As the othe "ware Regiment is quartered in the City "think it right to transmit the account of th "under Capt. McKennan to the Secretary at "Delegates in Congress, that I may certai "quarters for the winter or only temporary "provided for them in this State; but of this "glad to know the sense of the General Asse

"JOHN COOK

"Dover, January 17th, 1783."

Adjourned till 3 o'clock, P. M.

Eo

The Council met and adjourned till to-mor o'clock.

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WEDNESDAY, A. M., Jan. 22d, 1783.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the account from Thomas Bradford, printer, and the resolution of the House of Assembly founded thereon, were severally read the first time, together with the order drawn for the payment of the same in favor of Jas. Booth, Esquire.

On motion, by order,

The account from Samuel Smith, Esq., late Sheriff of New Castle County, for services done, and the resolution of the House of Assembly for the payment of the same, and the order drawn for that purpose, were severally read the first time.

On motion, by order,

The foregoing account of Thomas Bradford, printer, was read the second time and allowed.

On motion, by order,

The resolution founded thereon, was read the second time, concurred in, and follows in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, A. M., Jan. 16, 1783.

"An account was presented to the Chair from Thomas Brad-
"ford, for printing done for this State, amounting to £31 : 12 : 6,
"which was allowed; thereupon

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"*Resolved*, That the Speakers of both H
"on the State Treasurer for the payment
"James Booth, to be by him applied to
"aforesaid debt due to Thomas Bradford fr

"JAS. BOOTH,

"Sent for concurrence."

On motion, by order,

The account from Samuel Smith, Esq., v
time and allowed.

On motion, by order,

The resolution of the House of Assembly
the same, was read the second time, concur
lows, viz:

"IN THE HOUSE
"FRI

"An account was presented to the Chair
"Esq., late Sheriff of New Castle County,
"pounds ten shillings, which was read and a

"*Resolved*, That the Speakers of both H
"on the State Treasurer for the payment
"seven pounds ten shillings to the aforesaid

"JAS. BOOTH,

"Sent for concurrence."

And thereupon the orders drawn on the
the payment of the two foregoing accounts
by the Speaker.

The committee appointed to prepare an
methodizing the public accounts, and for
settlement of the same, now reported that
draught of a bill for that purpose; which w
and, by order, read the first time.

Adjourned to 10 o'clock to-morrow.

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THURSDAY, A. M., Jan. 23d, 1783.

cil met. Present all the members.

, a member of the House of Assembly, attending, l and delivered to the Chair a bill for raising 26,250 the service of the present year, accompanied with isitions of Congress, and other papers, on which the unded.

member also delivered the accounts of George Crag- lothier-General of this State, with the report of the ttee thereon, and a resolution of the House of As- ne payment of £481 : 2 : 8 to the said George Crag-

a member of the House of Assembly, was admitted l to the Chair a message from the Vice-President to f Assembly on the subject of a letter addressed to iam Winder, Esq., the Commissioner appointed for accounts between this State and the United States, osures, and a resolution of the House of Assembly reon.

s, a member, &c., was admitted and delivered to the count of John Gorden, Esq., late Sheriff of Kent unting to £7 : 10; with a resolution of the House of r the payment of the same.

l till 3 o'clock, P. M.

EODEM DIE, P. M.

il met.

n, by order, the report of the Joint Committee of the Clothier-General's accounts, and the resolution g the same, were severally read the first time.

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By special order, the same were read a second time, and the resolution was concurred in.

On motion, by order,

The account of John Gorden, Esq., amounting to £7 : 10, and the resolution of the House of Assembly for the payment of the same, were severally read the first time.

By special order, the same were read a second time, and the said account was allowed, and the resolution concurred in.

Ordered, That Mr. Collins return to the House of Assembly the Clothier-General's accounts, the report of the Committee of Accounts thereon, and the resolution for the payment of £481 : 2 : 8 to the said Clothier-General, concurred in by the Council; and that he also return the accounts of John Gorden and Samuel Smith, Esqs., for seven pounds and ten shillings each, and the account of Thomas Bradford, printer, amounting to £31 : 12 : 6, together with the several resolutions for the payment of the said sums, severally concurred in, to the House of Assembly.

Mr. Collins reported the delivery of the foregoing papers according to order.

On motion, by order,

The bill for raising £26,250 for the service of the year 1783, was read the first time.

On motion, by order,

The Vice-President's Message on the subject of Mr. Winder's letter, and the resolution founded thereon, were severally read, and the said resolution was concurred in.

Ordered, That Mr. Polk return the foregoing message and resolution, with the concurrence of the Council thereto, to the House of Assembly;

Who, being returned, reported the delivery of the same according to order.

On motion of Mr. Read, that leave be given him to bring in a bill "For preventing and punishing the counterfeiting of the common seal, bank bills and bank notes of the President, Direc-

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ompany of the Bank of North America," the same was whereupon a draught of a bill for that purpose was laid e, and, by order, read the first time.

on for the second reading of the resolutions upon the s report on the President's Message of the 11th Janu- the same was seconded, and passed in the negative.

r on the State Treasurer in favor of George Craghead, r the payment of £481 : 2 : 8, was presented by the the House of Assembly, in order to be signed by the f the Council; which was accordingly done, and re-

ed till to-morrow at 10 o'clock.

FRIDAY, Jan. 24, 1783.

ncil met. Present all the members.

on, by order, the bill for auditing and arranging the f this State, and for the more speedy and effectual of the same, was read the second time and postponed ration.

leston, a member of Assembly, was admitted and de- the Chair the accounts of Wm. Millan, late Receiver s for New Castle County, and their vouchers, together roceedings of the House of Assembly upon the said

n, a member of Assembly, attending, was admitted ed to the Chair the returns of the Second Delaware commanded by Lieut. Colonel Henry Neill, together ay-rolls of the several officers belonging to the said

ed till to-morrow morning at 10 o'clock.

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SATURDAY, A. M., Jan. 25, 1783.

The Council met. Present the same members as on yesterday.

On motion, by order,

The bill for auditing and arranging the accounts of this State, &c., was read a third time, by paragraphs, for the consideration and amendment of the Council, and after some time spent therein the same was postponed till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The Council now resumed the consideration of the bill for auditing and arranging the accounts, &c., and after some time spent therein the further consideration is postponed till Monday morning at ten o'clock.

Adjourned till Monday at 10 o'clock.

MONDAY, Jan. 27, 1783.

The Council met. Present the same members as on Saturday last.

Mr. Charles Polk, a member of Assembly, attending, was admitted and delivered to the Chair a bill to exclude members of the General Assembly from places of profit, &c.

The Council now proceeded in the further consideration of the bill for auditing and arranging the accounts of this State, &c.,

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to the order of the day, and the same, after some
ll pass.

, That the same be transcribed and sent, for consider-
concurrence, to the House of Assembly.

zzard, a member of Assembly, attending, was admitted
red to the Chair the report and state of the public ac-
the Auditor, William Killen, Esq., together with the
hereto belonging and accompanying the same.

ples, a member of Assembly, attending, was admitted
red to the Chair a resolution respecting the adjourn-
e General Assembly on Saturday next to some future

f, a member of Assembly, attending, was admitted and
o the Chair a petition of James Abbott, and also a pe-
eorge Abbott and Charles Williams, which, after their
ding in the House of Assembly, were referred to Capt.
ore, Superintendent of the Recruiting Service, to do
at the good of the service and the laws of the State
re.

sett presented the Chair with Mr. Dickinson's resigna-
Presidency of this State, by a writing, under his hand
lated at Dover, Jan. 14, 1783.

ion, Mr. Bassett has leave of absence till 3 o'clock to-
ternoon.

ion, by order,

for preventing, &c., counterfeiting of the common
bills, &c., of the Bank of North America, was read
e.

e was read the third time, by paragraphs, and passed
l.

that the same be transcribed.

ed till to-morrow morning at 10 o'clock.

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TUESDAY, A. M., Jan. 28, 1783.

The Council met. Present the same members as on yesterday. except Mr. Bassett.

Ordered, That Mr. Collins deliver to the House of Assembly the bill for auditing and arranging the accounts of this State, &c., together with the bill for preventing and punishing the counterfeiting of the common seal, bank notes, &c., of the Bank of North America, for their consideration.

Dr. Ridgely, a member of Assembly, attending, was admitted and delivered to the Chair a letter from John Pringle, dated the 28th instant, to Col. Charles Pope, respecting the State schooner, together with a proposal for the appointment of a committee of the Council to confer with a committee of the House of Assembly on the subject matter of the said letter.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Collins now reported the delivery of the papers committed to him, according to order.

On motion, by order,

The letter from John Pringle, and the proposal for an appointment of a committee on the part of the Council to confer with a committee of the House of Assembly on the subject of the said letter, were severally read the first time.

By special order, the said resolution was read a second time and concurred in.

And thereupon

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Resolved, That Messrs. Collins and McDonough be a committee on the part of this House to confer with the committee of the House of Assembly on the business above mentioned.

Ordered, That the said letter and resolution, with the concurrence and appointment of the Council thereto, be returned, by Mr. Grantham, to the House of Assembly;

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

Mr. Dickinson's resignation of the Presidency of this State, by a writing under his hand and seal, was read the first time, and is as follows, viz:

"I, the subscriber, hereby resign to the General Assembly "of the Delaware State the office of President, Commander-in-"Chief and Capt.-General of the State. In witness whereof I "have hereunto set my hand and affixed my seal, at Dover, this "fourteenth day of January, in the year of our Lord one thou-"sand seven hundred and eighty-three.

"(Signed) JOHN DICKINSON."

On motion, by order,

The petitions of James Abbott and George Abbott were severally read the first time.

On motion, by order,

The bill to exclude members of the General Assembly from places of profit, &c., was read the first time.

On motion, by order,

Lieut.-Col. Henry Neill's pay-roll of the Second Delaware Regiment was read the first time.

On motion, by order,

The bill for raising £26,250 for the service of the present year was read the second time.

Adjourned till to-morrow at 10 o'clock.

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WEDNESDAY, A. M., Jan. 29th, 1783.

The Council met. Present the same members as on yesterday, and also Mr. Bassett.

The Council, taking into consideration the resolutions of Congress of the 30th of October and 2d of November, 1781, came to the following resolution, viz:

WHEREAS Congress, by their resolutions of the 30th of Oct. and 2d of Nov., 1781, called upon the United States for their respective quotas of eight millions of dollars for the war department and civil list for the then ensuing year, of which sum this State's computed quota was 112,085 dollars; and whereas the act of Assembly entitled "An act for raising £23,625, in specie, for the service of the year 1782," passed the 13th day of November, 1781, recognizing the requisition of Congress for a quota of supplies and money necessary for supporting the Army of the United States, and defraying other expenses incurred in the prosecution of the present war, is the only fund out of which any part of the computed quota aforesaid may be discharged; and whereas by the said act of Assembly the said sum of £23,625, when brought into the Treasury, is made subject to the joint draughts of the Speakers of the Council and Assembly by order of their respective Houses; it is therefore

Ordered and Resolved, That the respective Speakers be and hereby are authorized and required to make and subscribe a joint draught upon or warrant to the State Treasurer to pay to the Receiver appointed by the Superintendent of Finance within this State, upon the order or orders of the said Superintendent, the sum of £21,015 : 18 : 9, equal to one moiety of this State's computed quota of the said 112,085 dollars, out of the monies which shall come into the Treasury of the State under or by means of the above mentioned and recited act of Assembly, the said State Treasurer taking such Receiver's receipt on the order of the Superintendent of Finance.

Ordered that the same be transcribed.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

Ordered, That Mr. Bassett deliver the foregoing resolution to the House of Assembly, for their consideration and concurrence.

Mr. Bassett reported the delivery thereof according to order.

On motion, by order,

The bill for raising £26,250, &c., for the service of the present year, was read the third time, by paragraphs, and after some time spent therein the further consideration is postponed till to-morrow morning.

Mr. James, a member of Assembly, attending, was admitted and delivered to the Chair the bill for auditing and arranging the accounts of this State, &c., with a paper of amendments proposed thereto by the House of Assembly.

The same member also delivered the bill for preventing and punishing the counterfeiting of the common seal, bank notes, &c., with a paper of amendments proposed thereto.

The same member also returned the resolution of Council, founded on the resolutions of Congress of the 30th October and 2d November, 1781, with a paper of amendments proposed thereto.

The same member also delivered a proposition from the House of Assembly for nominating persons to be balloted for as Delegates from this State to Congress.

Adjourned till 9 o'clock to-morrow morning.

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THURSDAY, A. M., Jan. 30, 1783.

The Council met. Present all the members.

On motion, by order,

The general account of William Millan, and the report of the committee of the House of Assembly on the same, were read the first time, and an amendment was proposed to the general account; which was agreed to, and ordered to be transcribed.

The committee of Council appointed to confer with the committee of the House of Assembly on the subject matter of Mr. John Pringle's letter relative to the fitting out of the schooner belonging to this State, now laid their report on the table.

The Council now proceeded in the further consideration of the bill for raising £26,250, &c., by a general tax, and the same is further postponed till the afternoon.

Ordered, That Mr. Grantham deliver to the House of Assembly the President's resignation of the Presidency of this State, together with the general account of William Millan, and the paper of amendments proposed thereto by the Council.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and debated upon the paragraphs of the bill for raising £26,250, and sundry amendments were proposed, agreed to, and ordered to be transcribed and sent, by Mr. Grantham, to the House of Assembly; who now reported the delivery of the papers committed to him, according to order.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the account of Robert Bryan, Esq., Treasurer of New Castle County, for money advanced to the officers and

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the Delaware Regiment, amounting to £255 : 19 : 4, th a resolution of the House of Assembly for the pay- e same to the said Robert Bryan, and a blank order rpose.

e member also delivered a petition of Wm. Simpson, eport of the House of Assembly thereon, and a blank vor of the said Wm. Simpson.

e member delivered W. Peery's account for money Chas. Pope, for £455, with resolution for payment of

, a member of Assembly, was admitted and delivered r the general account of Wm. Millan, and the amend- osed thereto by the Council acceded to by the House ly.

rles Polk, a member of Assembly, was admitted and o the Chair a bill for discharging the half pay of offi- Delaware Regiment dying in the service to their c.

iam Polk presented to the Chair a petition from Isaac ldier in the Delaware Regiment.

ed till to-morrow at 10 o'clock.

FRIDAY, A. M., Jan. 31st, 1783.

ncil met. Present all the members.

on, by order,

ort of the committee of the House of Assembly on n's account, was read the first time.

l order, the same was read the second time, concurred s follows, viz :

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"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., Jan. 24, 1783.

"The House resumed the consideration of the accounts of "William Millan, late Receiver of Supplies for New Castle "County, and the same being examined and approved, it ap- "pears that there is a balance of £49 : 0 : 4 due from the said "Wm. Millan to this State; but it is hereby declared, that such "errors or delinquencies as may happen on the uncollected "supplies, amounting to £594 : 9 : 9¾, with which the said "William Millan is charged in the aforesaid account, shall be "hereafter allowed to him upon his producing the same, pro- "perly authenticated under the hands of the Justices of the Peace "of the hundred in which such delinquency may happen.

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence.

Ordered, That Mr. Grantham return the foregoing report, with the concurrence of the Council thereto, and the several accounts and vouchers accompanying the same, to the House of Assembly.

Mr. Grantham reported the delivery of the papers above mentioned to the House of Assembly.

The Council now took into consideration the amendments proposed by the House of Assembly to the bill for auditing and arranging the accounts of this State, &c., and proposed additional amendments to the said bill, and also to the said amendments of the House of Assembly; which were ordered to be transcribed.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair a message from the House of Assembly to the Council, of this morning, relative to the address or resignation of John Dickinson, Esq., late President of this State, accompanied with the said address.

Ordered, That Mr. Collins deliver to the House of Assembly the bill for auditing and arranging the accounts of this State, &c., with their paper of amendments generally acceded to by the Council, and a paper of additional amendments, to the said bill and amendments of the House of Assembly, proposed by the Council.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

ncil met.

ins now reported the papers committed to him deliv-
ling to order.

on, by order,

ssage from the House of Assembly to the Council was
s as follows, viz:

GE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

n:

ssembly transmitted to your House their resolutions
urteenth instant, founded on an address, which is also
ou, from John Dickinson, Esq., President of the Su-
xecutive Council of the Commonwealth of Pennsyl-
d late President of this State, for your consideration
currence; and as the said resolutions are not yet re-
t is uncertain whether your house have acted or in-
ct thereon.

esent circumstances of the State, in the opinion of this
equire the determination of the General Assembly on
ct of the said resolutions, and therefore this House
heir duty to request that your honors may return the
her altered, amended, confirmed, or rejected, by your
greeable to the Constitution.

by order of the House of Assembly,

d) SIMON KOLLOCK, *Speaker.*

Jan. 31, 1783."

att, a member of Assembly, was admitted and deliv-
Chair the bill for raising £26,250, &c., with the paper
ents proposed thereto by the Conncil in part acceded
part disagreed to by the House of Assembly, and a
endments proposed by the House of Assembly to the
ments of the Council.

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The resignation of John Dickinson, Esq., as President and Commander-in-Chief of this State, being read, thereupon

Resolved, That the same be accepted.

Resolved also, That the place of President being now vacant, Mr. McDonough wait upon the House of Assembly and propose to them that both Houses of the General Assembly meet at 10 o'clock to-morrow, in the Council Chamber, to put in nomination persons to be balloted for as President of this State.

On motion, by order,

The resolution of the House of Assembly for nominating persons to be balloted for as Delegates to Congress, was read.

Ordered, That Col. McDonough wait upon the House of Assembly and inform that House that the Council propose Saturday, at 10 o'clock in the forenoon, for the time of the meeting of the two Houses of the General Assembly, in the Council Chamber, for the purpose mentioned in the above resolution.

Mr. McDonough reported the delivery of the above mentioned papers according to order.

On motion, the Council came to the following resolutions, viz:

WHEREAS great delays have happened in the collection of the State tax directed to be raised by the two several acts of Assembly, passed in the months of June and November, 1781, to the injury of public credit and public service; therefore

Resolved, That the respective County Treasurers of this State do forthwith call upon the several Collectors of Hundreds within their County to render a true and just account of and pay unto the Treasurer of their County the sums which each Collector ought to have paid either under the act of Assembly of this State entitled "An act for raising seven thousand eight hundred and seventy-five pounds, in specie, for the service of the year 1781, by a general tax," passed the 18th of June, 1781, or under the the act entitled "An act for raising £23,625, in specie, for the service of the year 1782, passed the 13th November, 1781.

Resolved also, That in case of non-payment of the whole of the sums they ought to have respectively paid under the said act of June, 1781, and of at least three-fourths parts of the sums they

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ely ought to have paid according to the directions of the of Nov., 1781, by or before the 25th day of April next, County Treasurers, respectively, shall certify the names efaulting Collectors, with the sums which they ought to d, to the Clerk of the Peace of his County, who, under tion of the Attorney General, shall cause suits to be upon the bonds given by such defaulters for the faith- rmance of their duties in the execution of the respective e acts aforesaid, returnable to the next May term.

ed, That copies of the foregoing resolutions be made out with delivered, as well to the respective County Treas- resaid as to the several Clerks of the Peace, Attorney and State Treasurer, which Treasurers and Attorney are to report their proceedings in the premises to the Assembly, at their next sitting.

ed, That Mr. Joshua Polk deliver the same to the House bly.

lk reported the delivery according to order.

tion, by order,

ll for discharging the half pay of officers of the Dela- iment, dying in the service, to their widows, &c., was first time.

tion, by order,

port of the committee of conference on the subject mat- r. John Pringle's letter respecting the State schooner, the first time.

aples, a member of Assembly, delivered to the Chair the verbal message, viz :

BAL MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

en:

House of Assembly agree to your proposition that both of the General Assembly meet, in the Council Cham- morrow at ten o'clock in the forenoon, for the purpose nating persons to be balloted for as President and Com-

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"mander-in-Chief of this State, and also as Delegates from this "State to Congress for the ensuing year; at which time and "place the Assembly will meet your honorable House for the "transaction of this business.

"Friday, P. M., Jan. 31, 1783."

The same member returned the resolution respecting the Collectors of the Public Taxes, concurred in by that House.

Adjourned till to-morrow at 10 o'clock.

SATURDAY, A. M., February 1st, 1783.

The Council met. Present all the members.

Ordered, That Mr. McDonough wait on the House of Assembly and inform them that the Council are now ready to receive them, in the Council Chamber, to put in nomination persons to be balloted for as President of this State, and also as Delegates to represent this State in Congress for the ensuing year.

The House of Assembly met the Council, in the Council Chamber, agreeable to the order of the day, and proceeded to the nomination of persons to be balloted for as President, whose names were taken down for the consideration of the members of both Houses.

Previous to the nomination for persons to be balloted for as Delegates to Congress, it was

Resolved, That four persons be elected to represent this State in Congress for the ensuing year.

Then the General Assembly proceeded to the nomination of Delegates; but before this business was completed, a question was moved by Mr. Peery, "whether any persons who are not inhabitants of or resident within this State should be elected to represent the State in Congress." Then the previous question was moved and seconded, and being put, passed in the negative.

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The General Assembly, having completed the business for which it convened,

On motion, agreed that the two Houses now separate, and meet, in the Assembly Room, at 4 o'clock this afternoon, to ballot for a President and Delegates to Congress above mentioned.

Then the House of Assembly withdrew, and the Council adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Duff, a member of Assembly, informed the Council that the House of Assembly were ready to receive them, in the Assembly Room, to ballot for a President, and also for Delegates to Congress, out of the persons before nominated.

The Council met the House of Assembly, in the Assembly Room, and there, in General Assembly, proceeded to the election of a President for the State, and the members of both Houses, to wit: nine of the Council and twenty-one of the House of Assembly, then present, having prepared tickets with the name of the President to be appointed and put the same into a ballot-box, the Speakers of the two Houses, in the presence of the other members, examined the ballot-box, and it appeared that eighteen votes out of thirty were in favor of the Honorable Nicholas Vandyke, Esquire; whereupon the said Nicholas Vandyke, Esquire, is declared duly elected President of this State for the term of three years next ensuing, and until the sitting of the next General Assembly thereafter, and no longer, agreeable to the present Constitution or system of government.

The General Assembly then proceeded to the election of Delegates to represent this State in Congress for the ensuing year out of the persons put into nomination in the forenoon, and the ballots being examined, it appeared that there was a majority of

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votes in favor of Cæsar Rodney, James Tilton, Eleazar McComb, and Gunning Bedford, Jr., Esquires; whereupon the said Cæsar Rodney, James Tilton, Eleazar McComb, and Gunning Bedford, Jr., Esquires, are declared duly elected Delegates to represent this State in Congress for the ensuing year.

On motion, agreed that the two Houses now separate. Then the Council withdrew, and adjourned till 10 o'clock on Monday next.

MONDAY, P. M., Feb. 3, 1783.

The Council met. Present all the members, except Mr. Joshua Polk and Mr. Bassett.

On motion, by order,

The resolutions of the House of Assembly respecting the sale of the State schooner were read the first time.

By special order, the same were read the second time, and the first of the said resolutions was concurred in, which respected the propriety of the Vice-President's instructions to Colonel Charles Pope as to the sale of a part of the said schooner. The latter was disagreed to; and thereupon the Vice President's Message of the 13th instant, and the several papers relative to the same subject, and referred to in the said message, were also read; and the same being read, Mr. William Polk moved for leave to bring in a bill for fitting out or selling the said State schooner, which was granted; and thereupon a bill, entitled "An act for fitting out or selling the State schooner," was laid upon the table, and, by order, read the first time.

On motion, by order,

The petition of Isaac Short was read and referred to Messrs. Grantham and McDonough, to inquire into the state of the facts alleged therein and to report their opinion on the same.

On motion, by order,

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The petition of James Abbott was read the second time and referred to the same committee.

On motion, by order,

The joint petition of George Abbott and Charles Williams was also read the second time and referred to the same committee.

On motion, the resolution of the General Assembly of this State, of the 12th February, 1781, appointing William Peery, Esq., to settle and state all the accounts between this State and the United States, and empowering him to call for such books and papers relating to the said accounts as might have come to the hands of any person in public office, and directing him to make his report to the General Assembly as soon thereafter as might be, returning therewith as many original vouchers as could be procured, or authentic copies, or other the best documents that might be obtained, was ordered to be read, and the same being read, and no report appearing to have been made thereon,

Resolved, That whereas, by the capture made by the enemy of the public papers in New Castle County, in the month of September, 1777, many of the original vouchers for supporting this State's account against the United States were then carried off, and the want of several of them only to be supplied by the minutes or memory of divers persons previous to that time engaged in the public transactions; and that whereas the vouchers of charge subsequent to that time are much dispersed and irregularly kept, that a Commissioner on the part of the United States having been appointed to make a settlement of all accounts between them and this State, and Mr. Peery authorized to lay the public accounts of this State against the United States before the said commissioner for liquidation and settlement, it is highly necessary that the General Assembly, previous to a final settlement of the said accounts, be informed in what state of readiness the same accounts are for such settlement; therefore

Resolved, That Mr. Peery be called upon to report his proceedings under the said resolution of the 12th of February, and that he return to the General Assembly an abstract or list of the several charges selected by him and to be made in this State's accounts against the United States, specifying generally the service and the time thereof, with the sum charged therefor, to the end that omissions, if any, may be discovered and supplied.

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Resolved also, That a copy of the foregoing motion and resolutions be forthwith made and delivered to Mr. Peery.

Adjourned till to-morrow at 10 o'clock.

TUESDAY, A. M., Feb. 4, 1783.

The Council met. Present all the members, except Mr. Basset and Mr. Joshua Polk.

Ordered, That Mr. Baning deliver to the House of Assembly the resolutions directing a report of the state of the accounts between this State and the United States.

Mr. Baning, being returned, reported the delivery thereof according to order.

On motion, by order,

The amendments proposed by the House of Assembly to the resolutions of the Council founded on the resolutions of Congress of the 30th October and 2d November, 1781, were read, considered and agreed to.

Ordered, That the said resolutions, as amended, be transcribed and sent to the House of Assembly for concurrence.

Mr. Gordon, a member of Assembly, was admitted and returned the resolutions directing a report of the state of the accounts between this State and the United States, with the concurrence of the House of Assembly thereto.

The Council now took into consideration the amendments proposed by the House of Assembly to the bill for preventing and punishing the counterfeiting of the common seal, &c., of the Bank of North America, and agreed that the bill thus amended should pass the House and be engrossed.

On motion, by order,

The Council now took into consideration the several amend-

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ments proposed by them and by the House of Assembly to the bill for raising £26,250, &c., and, upon the motion and question, "Shall the Council adhere to their first amendment by striking out the words [twenty-six thousand two hundred and fifty] and inserting instead thereof the words [thirty-nine thousand]?" the Council determined to adhere to their said amendment.

Mr. W. Polk required the yeas and nays on the said question to be entered on the minutes. They are as follows, viz:

For the question—Mr. Read, Mr. McDonough, Mr. Grantham, Mr. Collins.

Against the question—Mr. William Polk, Mr. Baning.

The question was carried.

Upon the motion and question, "Shall the Council adhere to their 11th, 12th and 14th amendments, for the changing the mode of the collection of the State tax, proposed by the said bill, by vesting the power of collection in one person in each county, he to be accountable in the Auditor's office by rendering his accounts there of the collections on the 20th of July and the 1st of November, and finally accounting there on the said 1st day of November, paying in the meantime to the State Treasurer, on the first days of June and October, the several proportions directed to be raised in each county, thereby changing the collection from the collectors of hundreds and their account and payment to the County Treasurer, and by him to the State Treasurer?" the Council determined to adhere to the said amendments.

And thereupon Mr. W. Polk required the yeas and nays on the same question to be entered on the minutes. They are as follows, viz:

For the question—Mr. Read, Mr. McDonough, Mr. Grantham, Mr. Collins.

Against the question—Mr. Wm. Polk, Mr. Baning.

The question was carried.

Thereupon the following message, stating the reasons of the Council's adherence to their said amendments, and rejecting

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those proposed by the House of Assembly, was drawn up, read, agreed to, and ordered to be transcribed, to wit:

Gentlemen;

The Tax Bill for the present year, with its respective amendments, hath been further considered by the Council, and upon mature deliberation they are still of opinion, that the sum of *thirty-nine thousand pounds*, as proposed in their first amendment, is a necessary one, to be raised for the uses expressed in the bill, to wit: to answer the two requisitions made by Congress of *forty-four thousand eight hundred dollars*, the payment of the sums due to the inhabitants of the State for supplies furnished for the Army of the United States, money borrowed on the credit of the State, and public services performed in, or on behalf of the State, and to be paid for by the State in the first instance, the interest on certificates given to the officers and soldiers of the Delaware Regiment, and the necessary and incidental expenses of the State within the year. The Council are satisfied that even this sum will be inadequate to these purposes, but, from the deficient manner in which the public accounts of the State have been kept, they do not pretend to say with precision how much more will be wanting; and when the Council advert to their second proposed amendment, acceeded to by your House, they must suppose that such was your opinion; for as the bill first stood the sum therein of £26,250 must have been considered as only adequate, or nearly so, for the purposes there expressed in its preamble, which limited the sums to be paid to the inhabitants for supplies furnished for the army to the latter part of the year 1780, or beginning of the year 1781, to monies borrowed within the same time, omitting all prior demands of the inhabitants of the like sort, which probably when taken together will amount to more than the specified ones of the latter part and beginning of those two years, and further confining the public services, which this State is to pay in the first instance, to those performed by the officers and soldiers of Col. Neil's Battalion of Militia in the fall of the year 1780, when prior services, yet unpaid, will probably double the sum that battalion is entitled to; therefore taking it for granted that so much or more will be wanted for all these purposes, the Council apprehend it to be prudent and wise to make a provision somewhat adequate to the necessary uses there generally mentioned, and prevent any suspicion that might be entertained of

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postponing one just creditor of the State to another, and particularly to avoid a preference of the latter creditor to the prior one of some more years standing, and that the General Assembly, in whom the disposition and application of the remaining part of the £39,000 is, after discharging the two requisitions of Congress, may have it more in their power to satisfy the old, and many very poor creditors of the State, and make some advances towards the restoring of public faith and public credit within the State, essentially necessary to its welfare and existence: whereas on the other hand, if the sum should be confined to the one in the original draught of the bill, there must be partial payments, and those payments may fall to the lot of the later creditor, according to the influence he may make at the time of such disposition. We should not, and we ought not, even to leave any cause for such suspicion when in our power to prevent it. The Council are well aware of the great want of a due medium of circulating specie within the State, and the difficulty attending the carriage of its produce to a market where a further supply thereof might be obtained, but they are of opinion that the difficulty may be surmounted, for that they know very many of the taxables of the neighboring States have and do still combat greater evils of the like kind. The Council conceive it to be their duty to exhibit the actual wants of the State to their constituents, that they may provide accordingly, and judge it ill policy to continue the practice of leaving the debts of preceding years unprovided for and unnoticed, to accumulate, and by that means put it out of the power of their constituents to pay them perhaps ever, as each succeeding year will have its particular charge, and an increased one when we are called upon to provide for the payment of the interest of the national debt which the United States have contracted during the present war. A further argument which weighs with the Council, is, that they have reason to believe that it was the intention of Congress, when they fixed their demand upon the United States only to *two million of dollars* of the *six million* which was their estimate for the War and Civil Department, (relying upon obtaining the other *four million* by way of loan in Europe), thus to afford the States in the Union an opportunity to raise extra sums to discharge their former internal debts; this opportunity ought to be laid hold of; justice to the public creditors of the State, and the true interest of our constituents demand it of us—yet if, upon further deliberation had by your honorable House, you shall be of opinion, that the time

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specified in the bill, and enlarged by our amendment, for the collecting and finally paying in the said sum of £39,000 may be further enlarged and thereby tend to the greater ease of the taxables of the State, we shall have no objection to such a proposition. As to the mode of collecting and after accounting for the receipt and payment of those quotas in each County, as proposed in our 11th, 12th and 14th amendments to the said bill, we are decidedly of opinion, that it ought to be adopted, and therefore adhere to those amendments. The barely stating the two different modes proposed by the respective Houses, will perhaps tend to throw light on the question, which of the two is the most eligible: The one in the original bill is a collection to be made by twenty-four persons in the three Counties, ten, nine, and five of which number are respectively to account with and pay to three more persons, one in each County, viz: the Treasurers thereof, and they after to account and pay to the State Treasurer, and he finally to a committee of the General Assembly; so that the persons in the receipt and management of this public tax account with one another, except the State Treasurer. As we cannot consider the accounting of the County Treasurer with the Levy Court, or their committee, in any degree either proper or satisfactory, no report, return or certificate thereof being to be made to the General Assembly, who ought to be perfectly and minutely informed of the monies drawn from their constituents for public purposes in every stage of receipt and payment; and further, that none of the first twenty-seven persons are of the nomination or appointment of the representative body, which directs the raising and applying of the State tax; so that let the choice of any of them be ever so improper, or they be totally unfit for such duties, the General Assembly must adopt them with all their imperfections, and solely rely on a circuitous remedy on the bonds to be given for the performance of their duties; with this, that there must be twenty-four accountings, such as they are to be, more under the bill than under the proposed amendments; for that by the amendments one collector for each County appointed by the General Assembly, and in case of disability or removal, after by a session of Justices in each County, makes the whole collection of the quota of his County, and pays over the respective portions of such quota immediately into the State Treasury at the times limited for such payment, and in seven weeks after his first payment, and in one month after his second payment, he is to adjust and settle, in the office of the

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of Accounts, for the amount of each portion, with an of *three per cent.* The balance of the first portion is ried into his second account, and its balance paid to the easurer in about seven weeks after settlement thereof, se of failure, chargeable with an interest of *ten per cent.*

mode, proposed by the Council, the collection is made the accounting for, receipt and payment into the State by the same three, and that accounting is with the e officer of the General Assembly, the Auditor of Ac- vhose situation is to be at Dover, nearly central as to , and the place of meeting of the General Assembly, ch member of the legislative and executive powers of may resort, and at a single view discover a state of such nd payment. And further, as to the accounting by the easurer, the provisions in the amendments by Council he shall once in three months transmit into the Audi- e an exact state as well of all the monies by him received, names of the persons by whom paid, and the time of as of the monies by him paid, to whom, on what ac- order, and the time when; and at the expiration of r appear in the said office and lay his general account e Auditor, who is to adjust the same. After this just ation of the two modes, the Council cannot suppose it to urge any arguments further, tending to shew that mode of collection and account, as proposed by the ill, is a complex one, requiring so many things to be complete it or compel its due execution; or that the de proposed in the amendments by the Council is a simple one, wherein the conduct and acts of three per- sen specially for the service, are necessarily inquirable l the monies are got into the Treasury of the State; nay be known to and viewed by the representatives of e whenever they meet in General Assembly. The first is true, hath been several years in use, but the best ex- ts existence is either inattention or want of a more satis- imple plan being struck out and offered to view; its ere always apparent, and a competant remedy not ex- o supply its place till now. It may be said that the mpetent is here used rather prematurely, for that trial rience alone can justify the term, but as the usefulness ess of the single collection don't admit of a doubt, in

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the opinion of the Council, they venture to use the expression; sure they are, that pursuing the old plan of collection and account they will only increase that chaos of unaccounted for public grants of monies and supplies, that it will become exceedingly difficult, if not impracticable, to reduce it to form, and give their constituents an opportunity of knowing what hath been the disposition and application of all that has been drawn from them by way of tax for several years past: none of which yearly grants, in the knowledge of the Council, have been yet regularly or intelligibly accounted for. The Council request that your honorable House will please to take these their reasons for dissenting from you in opinion as to the Tax Bill sent from your House, and for their adhering to their amendments, into your consideration; and be assured that the Council consider those amendments so important and necessary, on behalf of the people both Houses represent, that until reasons, operating more powerfully than those before enumerated, (though not all that had been suggested in Council), shall be offered to Council, they must retain their opinion in favour of their amendments.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Waples, a member of Assembly, attending, was admitted and returned the bill for auditing and arranging the accounts of this State, &c., with the first amendments proposed thereto by the House of Assembly generally agreed to by the Council; the additional amendments proposed to the said bill, and amendments by the Council generally disagreed to by the House of Assembly, together with a further amendment proposed by the House of Assembly to the said additional amendments of the Council.

The same member also delivered a letter from Major William Polk, dated this day, together with a resolution of the House of

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Assembly for referring Major Polk's accounts to William Killen and Thomas Rodney, Esquires.

The same member also delivered a resolution for making provision for the subsistence of the Delaware Regiments.

The same member also delivered a resolution of the House of Assembly for the appointment of a committee to wait on Mr. Vandyke to desire his answer as to his acceptance of the office of President.

The Council now took into consideration the bill for auditing and arranging the accounts of this State, with the several amendments proposed thereto by the House of Assembly, and the Council adhered to their 5th amendment, which was disagreed to by the House of Assembly, and disagreed to the further amendments proposed by the House of Assembly to the said 5th amendment of the Council, and adhered to the 1st, 2d and 4th of their additional amendments to the said bill, and therefore the following message, stating the reasons of such adherence, was drawn up, read and agreed to, and ordered to be transcribed :

Gentlemen :

The bill for auditing and arranging the accounts of this State, &c., with the respective amendments proposed by both Houses, as well to the bill as it originally stood as the subsequent amendments, have been taken up and duly considered by the Council, and they find themselves bound by opinion, and duty to their constituents, still to reject the fifth amendment proposed by your honorable House in your first paper, *restricting* the Auditor of Accounts from liquidating and settling any claims against the State for services performed, monies advanced or articles furnished by order of the legislative or executive power for the use of the State, or for any other purpose, *before* the first day of March next ; and also to reject the additional amendment contained in the third paper, *seemingly* intended to enlarge the restriction occasioned by the fifth amendment, by permitting the Auditor's duty to extend to accounts for such articles and things prior to the first of March, *not already exhibited* to the General Assembly, and for which the laws of this State have directed no particular mode of settlement.

When the Council framed this bill, among the many objects of

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public utility they had in view, the first was, to relieve the two Houses of the General Assembly from that embarrassment they were then under with the very many accounts, that had been exhibited for years past, and dispersed among their severel files of papers.

The disinclination of the respective members of both Houses to accept of a place on the Committee of Accounts, the time that had been spent in the present session, and the little progress made in that business, with the great interruption given to the other general and more peculiar business of the General Assembly, convinced the Council of the necessity of immediately providing and adopting a mode, better calculated for a more exact and speedy settlement of all public accounts whatsoever; and after, for the regular entry and state of the allowances, or balances found, by some person well skilled in the arranging and stating of accounts in mercantile and intelligible form; which entry, subsequent to settlement, hath been always omitted heretofore, and the State left open to second, third or more charges for the same articles, and no other chance of detecting the imposition but the recollection, perhaps, of an individual member, unless the old bundles of accounts of preceding years were minutely examined. The Council therefore, on the first appearance of your fifth amendment, agreed to reject it, as it tended to defeat the first object of their bill, *that* of immediately transferring the liquidation and settlement of all public accounts from the General Assembly to the Auditor, whose daily expense for such service would not be the thirtieth part of the sum that the two Houses were then sitting at, and but small progress made in the business—ten days expense of the present General Assembly being equal to a full years allowance for the service of the Auditor. And upon the same grounds the Council disagreed to the further amendment in the third paper, as it tended to retain all the accounts already exhibited, and almost every one that could or would be exhibited, for matters or things prior to the first of March. This the Council considered as not remedying the grievance, either as to the State expense, or that of the accountants—two only of whom had been in waiting in the present session, and one for five and the other for more than ten days before their accounts could be examined, reported and determined upon. The Council also considered the last part of the said additional amendment as exempting every public debtor or accountant from the Auditor's settlement and bringing them before the General As-

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hich ought not to be with respect to any, except Hun-
ctors (who were specially excepted in the original bill,
ur honorable House, by their eighth amendment, *left*
to such account with the Auditor for any monies they
ve after the first day of March next) and Trustees of
Office; for, according to the best recollection of the
ll other accountants under laws of the State are gen-
ccount with the General Assembly or their committees,
the fixed purpose of the Council to have transferred to
r, whenever established, or otherwise a principal part
ulness will be lost to the public, as also to the account-
o the first, saving that great expense of the two Houses
transact this business, a want of knowledge, and, too
attention to it when under consideration—and as to
tant, his tedious and expensive attendance on such set-

norable House will therefore discover, from what is
for rejecting your addition to your fifth amendment,
Council thought it necessary—after your first paper of
ts had been laid before them, and most of them agreed
sake of immediately establishing an office so useful to
-to offer their fourth amendment as in the second paper,
lecting and transmitting of all the public accounts in
sion or care of either House to the office of the Auditor,
forthwith liquidated and settled, all which might pro-
one before the next meeting of the General Assembly.
the direction for the Auditor to examine and revise
lements, and report all substantial errors or omissions,
el have been told, and they think from authority, that
er lately, in a neighboring State, by such revisal of
s, had discovered an error of *fifteen hundred pounds* in
t of *an individual*, such a sum standing in the settle-
charge against the State, when it should have stood as
gainst that individual accountant in favor of the State.
instances may have happened in a long train of ac-
en settled under a variety of circumstances productive
s; and as such revision would add but little to the
the State, the Council deemed it prudent to direct the
ot doubting that every guardian of the people's rights
rty would wish to be informed of *substantial wrongs*
at property, and therefore Council conceived it their

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duty to point out this as saving from such injury, and after to adhere to that fourth amendment as in the second paper.

Then as to the first and second additional amendments proposed by the Council, as in the second paper, they apprehend that some mode for calling every public debtor, or accountant, to do that which his duty and trust required, that is, to render an account of his transactions in money matters intrusted to his care to the common officer of the State, was absolutely necessary to be prescribed to render that officer an useful one to the State; and as your honorable House, by their eleventh and twelfth amendments, in the second paper, had disagreed to all the clauses in the original bill that were framed and calculated for compelling the public debtor, or trustee, to account and after to pay what he should have been found indebted to the State in a summary way, the Council, by their first and second amendments in the second paper, placed a *delinquent* debtor, or accountant, on the same footing with the witness who was to testify either for or against the delinquent, by enabling the Auditor to use *only* the same kind and form of compulsory process to call such delinquent before him as by the same tenth section of the original bill, approved of by your honorable House, the Auditor was authorized and directed to use for the appearance of the witness; and great was the surprise of the Council to discover the disagreement to this so mild, and, as they conceive, unexceptionable and necessary power of the Auditor—for to say that a delinquent shall be left to his sole will and pleasure whether he will account for his trust, and yet that, if he pleases to come forward and do this, any persons who, by accident or otherwise, have a knowledge of his conduct, or of the transactions to be accounted for, shall be compelled by a form, *too rigorous for the delinquent*, to appear and give evidence relative to the subject matter of such delinquent's account. As many such delinquent accountants are and may be, where no bond and security hath been given or required, what is before said applies to such, and must discover to your honorable House the palpable impropriety of appointing a person to exercise the power of settlement, and yet withholding the power of effecting it. Then, as to such whose bonds of performance may include the right of suits thereon for not accounting, they are left to exercise all the delays and chicanery used and practised in the Common Law Courts before even a judgment to account can be had thereon. By these second last mentioned amendments the power of the Auditor over him is no more than, as is said before,

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s witness, which is to compel an appearance and exhibit
t; for as to the recovery of any sum declared by the
o be due thereon, the suit, on his bond if such given,
n as in common cases of debts to private persons, is to
t and pursued in the Courts of Law. Upon the whole,
il hope that when your honorable House shall be pos-
their reasons for determining as they have on the first,
d third papers of amendments, they will concur with
il, and not let so useful, necessary and important a bill
h, and be lost to the State, and thereby remove every
that might be suggested, that the Representatives of
e, or any of them, were disposed to countenance delin-
the public servants and accountants.

ion, by order,

tition of William Simpson, and the resolution of the
Assembly thereon, were read, and an amendment to
esolution was proposed, agreed to, and ordered to be
d.

ion, by order,

olution for the appointment of a committee to wait on
yke, &c., was read the first time and concurred in, and
ws, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., Feb. 4, 1783.

otion,

ved, That a committee of three be appointed on the
this House, to join with a committee to be appointed
Council, for the purpose of waiting upon N. Vandyke,
, and desiring his answer with respect to his acceptance
ffice of President and Commander-in-Chief of this State,
h he was appointed by the General Assembly on Satur-
.

members chosen: Mr. Duff, Mr. Molleston, and Mr.

"JAS. BOOTH, *Cl'k of Assembly.*

for concurrence."

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And thereupon,

Resolved, That Messrs. Collins and William Polk be a committee on the part of the Council to join with the committee of the House of Assembly for the purpose above expressed.

Adjourned till to-morrow at 10 o'clock.

WEDNESDAY, A. M., Feb. 5, 1783.

The Council met. Present all the members, except Mr. Bassett and Mr. Joshua Polk.

Ordered, That the resolutions of Council, founded on the resolutions of Congress of the 30th of October and 2d November, 1781, as amended by the House of Assembly and agreed to by the Council, be sent, together with the original resolutions and paper of amendments, to the House of Assembly for their concurrence; and the petition of William Simpson, and the resolution of the House of Assembly thereon, with the amendments proposed thereto by the Council; and also the resolution for the appointment of a committee to wait on Mr. Vandyke, &c., with the concurrence and appointment of the Council thereto.

Mr. Polk reported the delivery according to order.

On motion, by order,

The resolution of the House of Assembly for making provision for the subsistence of the Delaware Regiment, now cantoned in New Castle County, was read the first time.

By special order, the same was read the second time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., Feb. 4, 1783.

"WHEREAS no provision hath been made for the subsistence "of the Delaware Regiment, now cantoned in New Castle Coun- "ty; therefore

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ved, That Samuel Patterson, Esquire, Treasurer of this
e and he hereby is empowered to contract, upon the
oderate terms that can be obtained, for supplying the
iment with rations and necessary accommodations dur-
r continuance in this State, or until otherwise provided
d that the said Treasurer apply to the Superintendent
nce for the repayment of the money thus expended for
sistence and accommodation of the said troops; and in
e same cannot be obtained, he is hereby empowered
n the amount of such expenditure out of the public tax
resent year, when the same may come to his hands, the
te Treasurer's accounts thereof being first adjusted by
eral Assembly.

"JAS. BOOTH, *Cl'k of Assembly.*

for concurrence."

ion, by order,

for fitting out or selling the State schooner, was read
d time.

ned till 2 o'clock, P. M.

EODEM DIE, P. M.

uncil met.

ff, a member of Assembly, attending, was admitted and
to the Chair a bill entitled "An act for levying and col-
vers sums of money remaining due for taxes in Conti-
s of Credit therein mentioned, and for other purposes."

me member also delivered a letter, dated January 3d,
n the Assistant Secretary at War, with a set of resolu-
completing the Delaware Regiment, &c., founded on
mentioned letter.

nes, a member of Assembly, was admitted and returned
Chair the resolution of Council, founded on the resolu-

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tions of Congress of the 30th October and 2d November, 1781, concurred in by the House of Assembly, together with the papers attending the same.

The same member also delivered the petition of Wm. Simpson, the resolution of the House of Assembly founded thereon, and the amendment proposed thereto by the Council acceded to by the House of Assembly, with a resolution of the House of Assembly for the payment of £30 to the said Wm. Simpson, and an order, signed by the Speaker of the House of Assembly, for the said sum of £30 in favor of the said William Simpson, which was accordingly signed by the Speaker of the Council.

The same member also delivered the accounts of Philip Barratt and Thomas Duff, Esqs., Commissioners appointed to collect the certificates given by the Quartermaster's and Commissary's Departments.

The committee to whom the petitions of Isaac Short, James Abbott, George Abbott, and Charles Williams were referred, now delivered their report at the table, which was read the first time; and the petition of Isaac Short was referred to Capt. James Moore, superintending the recruiting of the Delaware Regiment, to do therein what the good of the service and the particular circumstances of Short's company may, in his opinion, require; and an amendment was proposed by the Council to the reference made to Capt. James Moore, indorsed on the petitions of the said James Abbott, George Abbott, and Charles Williams, agreed to, and ordered to be transcribed.

On motion, by order,

The resolution for the payment of £30 to W. Simpson was read and concurred in.

On motion, by order,

The resolutions founded on the letter from the Secretary at War, for completing the Delaware Regiment, were read the first time.

By special order, the said resolutions were read the second time, and some amendments were proposed, agreed to, and ordered to be transcribed.

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Ordered, That Mr. McDonough deliver to the House of Assembly the engrossed bill for preventing and punishing the counterfeiting of bank notes, &c., with the original and amendments, in order to be compared and signed by the Speaker of Assembly; the letter from the Assistant Secretary at War, with the resolutions for completing the Delaware Regiment, founded thereon, with a paper of amendments thereto; the resolution for providing subsistence for the Delaware Regiment, concurred in by Council; the petitions of Isaac Short, James Abbott and George Abbott, and Charles Williams, with an amendment proposed by Council to the reference indorsed on James Abbott's petition, and the message from Council to the Assembly.

Adjourned to 10 o'clock to-morrow.

THURSDAY, A. M., Feb. 6, 1783.

The Council met. Present the same members as on yesterday.

Mr. McDonough now reported the delivery of the papers committed to him, according to the order of yesterday.

Mr. Molleston, a member of Assembly, was admitted and returned the engrossed bill for preventing and punishing the counterfeiting of bank notes, &c., (with the original) signed by the Speaker of the House of Assembly, with a resolution to affix the Great Seal to the same.

The same member delivered the resolutions for completing the Delaware Regiment, with the amendments proposed thereto by Council acceded to by the House of Assembly, accompanied with a copy of the said resolutions, as amended, for the concurrence of the Council.

The same member delivered the petition of Isaac Short, with the reference to Capt. James Moore indorsed thereon, concurred in by the House of Assembly; and the petitions of Jas. Abbott and George Abbott, and Charles Williams, with the amendments of Council acceded to by the House of Assembly.

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Ordered, That the Speaker of the Council sign the bill for preventing and punishing counterfeiting of bank bills; which was accordingly done.

On motion, by order,

The resolution for affixing the Great Seal to the same was read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY, Feb. 6, 1783.

"On motion,

"*Resolved*, That the President or Commander-in-Chief affix "the Great Seal of this State to the following law, to wit:

"'An act for preventing and punishing the counterfeiting of the common seal, bank bills and bank notes of the President, Directors and Company of the Bank of North America, and for other purposes therein mentioned.'

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

On motion, by order,

The resolutions for completing the Delaware Regiment, as amended, were read and concurred in, and are as follows:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., Feb. 4, 1783.

"The committee to whom was referred the letter, of the 3d of "January last, from the Assistant Secretary of War, brought in "their report, which being taken into consideration, the House "came to the following resolutions thereon, to wit:

"WHEREAS it appears, by a letter from the War Office, dated "the 3d day of January last, that the late arrangement of the "Army of the United States, which was to take place on the first "day of the said month, in pursuance of the resolutions of Con"gress of the 7th of August last, is suspended so far as the same "relates to this State until the first day of March next, upon con"dition, that a positive assurance be given that an augmentation "will be made to the said Regiment on or before that day; there"fore

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ed, That the President or Commander-in-Chief be and eby empowered and requested to write to the Secre- Var, informing, that this State will engage to complete ware Regiment to four companies by the twenty-fifth Iarch next.

Capt. James Moore be directed forthwith to proceed to ting of fifty-four men for the purpose of completing ware Regiment to four companies; in which business govern himself in all things agreeable to the resolutions eneral Assembly of the 13th of November, 1781, and ebruary, 1782, except so far as the same relates to the llowed to each recruit, which shall be the sum of *six* nd no more; and the said James Moore shall be en- the same rewards and emoluments for this service as fied in the said resolutions.

he President or Commander-in-Chief be and he is uthorized to draw his orders upon the Treasurer of this m time to time, in favor of the said James Moore, for s of money as he shall judge necessary for the said re- service, not exceeding in the whole the sum of *five and fifty pounds*.

HEREAS it hath been represented, that a number of from the Delaware Regiment have signified their de- ay such sums of money for their discharge therefrom the opinion of the General Assembly, be sufficient to substitutes to serve in the said Regiment; therefore

ed, That Capt. James Moore be and he is hereby em- and directed to give a discharge to any deserter from said Regiment who shall pay to the said James Moore, fore the tenth day of March next, such sum of money hall deem sufficient to procure a substitute for that which discharge shall be as valid, to all intents and whatsoever, as if the same had been given by the Assembly.

"JAS. BOOTH, *Cl'k of Assembly*.

r concurrence."

ratt, a member of Assembly, was admitted and deliv- e Chair a resolution of the House of Assembly for the

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appointment of a committee of conference, on the part of the House of Assembly, to confer with a committee of Council on the subject matter of the amendments proposed to the bill for raising £26,250 for the service of the present year.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Carty, a member of Assembly, attending, was admitted and delivered to the Chair a resolution of the House of Assembly to adjourn, to-morrow in the forenoon, the present sessions to some future day.

On motion, by order,

The resolution for the appointment of a committee of conference on the subject matter of the amendments proposed to the bill for raising £26,250, was read, and thereupon the following verbal message was proposed at the table and agreed to:

Gentlemen:

The Council are at loss to know upon what precedent, usage or practice the House of Assembly have founded their resolution aforesaid, as the Council apprehend that when committees of conference are appointed and had between two branches of a legislature, they are to communicate the reasons which each branch may have for a difference of opinion upon any public act or measure, after to be represented by each set of conferees to their respective Houses. In the present case your honorable House are in possession of the reasons which induced the Council to make, and after to adhere to, their amendments to the Tax Bill; therefore Council apprehend, that a conference of members of both Houses, either in the manner adopted by your House in their resolution now before Council or in the customary mode, will not answer any good public purpose, at least before the reasons which induced the House of Assembly to disagree to, or reject the amendments, are laid before the Council.

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. That Mr. McDonough wait on the House of Assem-
liver the above message.

ion, the Council now concurred in the references made
ames Moore, indorsed on the petitions of Isaac Short,
ott, George Abbott and Charles Williams.

, That Mr. McDonough return the said petitions to
of Assembly, and deliver the bill for preventing and
the counterfeiting, &c., signed by the Speaker.

ed till to-morrow at 9 o'clock.

FRIDAY, A. M., Feb. 7th, 1783.

ncil met. Present the same members as on yesterday.

Donough reported the delivery of the papers according
er of yesterday.

ion, by order,

for discharging the half pay of officers of the Delaware
dying in the service to their widows, &c., was read the
e and will pass.

, That the same be sent to the House of Assembly to
by the Speaker thereof.

ion, by order,

grossed bill for levying and collecting divers sums of
maining due for taxes in Continental Bills of Credit,
entioned, and for other purposes, was read the first

ion, by special order, the same was read a second time,
Council, and was signed by the Speaker.

, That Mr. Grantham deliver the foregoing bills to the
Assembly.

ntham reported the delivery according to order.

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Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair resolutions for the payment of the Delegates to Congress.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and

Ordered, That Mr. Collins deliver to the House of Assembly the bill for auditing and arranging the accounts of this State, &c., with its several amendments, and the transcribed message, stating the reasons of Council for their adherence to several of their amendments to the same bill.

Mr. Collins reported the delivery according to order.

On motion, leave was given to bring in a bill purporting to be "A supplementary act to the act entitled 'An act for the protection of the trade of this State on the River and Bay of Delaware;' " whereupon a bill for that purpose was laid on the table, and, by order, read the first time.

By special order, the same was read a second time and passed the Council.

Ordered, That the same be transcribed and delivered to the House of Assembly, for their consideration, by Mr. W. Polk; together with the resolutions for recruiting the Delaware Regiment to four companies.

Mr. Bryan, a member of Assembly, was admitted and delivered to the Chair the bill for the discharging of the half pay to the widows or children of the officers of the Delaware Regiment, &c., and also the bill for the levying and collecting divers sums of money remaining due for taxes in Continental Bills, &c., respectively signed by the Speaker of the House of Assembly, together with a resolution of the House of Assembly to affix the Great Seal to the said bills.

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, That the Speaker sign the bill for the discharging of
y to the widows or children of the officers of the Dela-
ment, &c.; which was accordingly done.

ion, by order,

olution was read for affixing the Great Seal to the above
laws, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, P. M., Feb. 7, 1783.

otion,

ed, That the President and Commander-in-Chief affix
t Seal of this State to the following laws, to wit:

ct for the discharging of the half pay to the widows or
of the officers of the Delaware Regiment who have
nay die in the service of the Continent;' and

ct for the levying and collecting divers sums of money
g due for taxes in Continental Bills of Credit, herein
ed, and for other purposes.'

"JAS. BOOTH, *Cl'k of Assembly.*

or concurrence."

, That the said bills, respectively signed by the
nd the resolution for affixing the Great Seal to the
curred in by the Council, be returned to the House
ly by Mr. W. Polk; who is also charged with the
the engrossed bill entitled "A supplementary act to
titled 'An act for the protection of the trade of this
e Bay and River of Delaware.'"

ed till 10 o'clock to-morrow.

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SATURDAY, A. M., Feb. 8, 1783.

The Council met. Present the same members as on yesterday.

Mr. Polk now reported the delivery of the several papers committed to him, according to the order of yesterday.

On motion, by order,

The accounts of Thomas Duff and Philip Barratt, Esquires, for their services as commissioners for collecting certificates, &c., and the resolution for the payment of the same, were severally read the first time.

By special order, the said resolution was read a second time, concurred in, and is as follows, to wit:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., Feb. 5, 1783.

"Two accounts against the State from Thomas Duff and "Philip Barratt, Esquires, for their services as commissioners "in the execution of a resolution of the General Assembly, of "the 18th June, 1781, for ascertaining the amount of certificates "issued within this State from the Quartermaster's and Com- "missary's Departments, were read and allowed, to wit: To "Thomas Duff, Esq., £11 : 7 : 6, and to Philip Barratt, Esq., "seven pounds.

"*Resolved*, That the Speakers of both Houses draw orders on "the State Treasurer for the payment of the said two sums.

"JAS. BOOTH, *Cl'k of Assembly*.

"Sent for concurrence."

Whereupon the Speaker signed an order for that purpose in favor of the said T. Duff and P. Barratt, Esquires, respectively.

On motion, by order,

An account of Robert Bryan, Treasurer of New Castle County, for £255 : 19 : 4, and its vouchers, were read, and the said account was allowed.

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ion, by order,

olution for the payment of the same was read and con-
and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, A. M., Jan. 30, 1783.

count of Robert Bryan, Esq., Treasurer of New Castle
was read, amounting to two hundred and fifty-five
nineteen shillings and four pence, being for money ad-
to the officers and soldiers of the Delaware Regiment,
cash paid for rations for them from the 19th of January,
to the 28th following, inclusive; which said account was
; and thereupon

ved, That the Speakers of both Houses draw an order
State Treasurer for the payment of the said sum to the
d Robert Bryan.

"JAS. BOOTH, *Cl'k of Assembly.*

for concurrence."

pon the Speaker signed an order for that purpose.

d, That Mr. Grantham return the foregoing accounts,
and orders, and the resolutions for the payment of the
n the concurrence of the Council thereto, to the House
bly.

antham, being returned, reported the delivery accord-
er.

mmittee appointed by Council to join the House of As-
the purpose of waiting on Nicholas Vandyke, Esq., to
e would accept the office of President and Commander-
f this State, report that the joint committee aforesaid
Mr. Vandyke and requested that he would please to
the committee his acceptance of the office of Presi-
Commander-in-Chief of this State; whereupon he was
declare his acceptance of the said office.

uncil now went into the nomination of persons to be
or as Privy Councillors, and Gunning Bedford, Esq.,
es Pope, John Lea, Esq., and Alexander Porter, jr.,

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Esq., were put into nomination, to be balloted for in the afternoon.

Mr. Carty, a member of Assembly, returned the act entitled "A supplementary act to the act entitled 'An act for the protection of the trade of this State on the River and Bay of Delaware,'" signed by the Speaker of the House of Assembly, together with a resolution to affix the Great Seal thereto.

Ordered, That the Speaker sign the said bill; which was accordingly done.

On motion, by order, the foregoing resolution was read and concurred in, and is as follows:

"IN THE HOUSE OF ASSEMBLY, Feb. 8, 1783.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of the State to the following law, to wit:

"'A supplementary act to the act entitled 'An act for the "protection of the trade of this State on the Bay and River of "Delaware.'"

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

Ordered, That Mr. Collins deliver the foregoing bill and resolution, signed and concurred in by the Council, to the House of Assembly.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met, and proceeded to the balloting for Privy Councillors out of the persons before put into nomination, and the ballots being examined, it appeared that Gunning Bedford, Esq., and John Lea, Esq., were unanimously elected members of the Privy Council.

The Speaker of the Council now waited on the President and administered as well the oath of allegiance and declaration of faith, prescribed by the twenty-second article of the Constitution of this State, as the oath of office, to his Excellency, Nicholas Vandyke, Esq., President of the Delaware State.

Then the Council took into consideration the per diem wages and incidental charges of the Council, and the following accounts were allowed, viz:*

Then the Council adjourned till Monday, the 26th day of May next, to meet at the Town of Dover.

---

*The accounts are not recorded.

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MINUTES OF COUNCIL.

MAY, 1783.

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MEMBERS' NAMES.

NEW CASTLE COUNTY:

THOMAS MCDONOUGH, ISAAC GRANTHAM, GEORGE READ.

KENT COUNTY:

THE HON. JOHN COOK, JOHN BANING, RICHARD BASSETT.

SUSSEX COUNTY:

WILLIAM POLK, JOSHUA POLK, JOHN COLLINS.

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ES AND PROCEEDINGS

OF THE

UNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MAY, 1783.

neeting of the Council at the Town of Dover, in Kent by adjournment, on Monday, the 26th day of May, A. a quorum of the members not attending, the Council d from day to day until Tuesday, the 3d day of June,

TUESDAY, P. M., June 3d, 1783.

ouncil met. Present the following members, viz:

ew Castle County—Isaac Grantham.

nt County—The Honorable John Cook, John Baning, Bassett.

ssex County—Joshua Polk.

d, That Mr. Grantham and Mr. Joshua Polk be a com- wait on his Excellency, the President, and to inform the Council, having formed an House, are ready to ny business which he may have to lay before them.

ned till to-morrow.

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WEDNESDAY, June 4th, 1783.

The Council met. Present the same members as on yesterday, and also Mr. Read.

The committee appointed to wait on his Excellency, the President, now reported that they had waited on his Excellency with the message committed to them, agreeable to the order of yesterday, when he was pleased, in answer, to say, that he had communicated his business, by way of message, to the House of Assembly, which in its due course would come before the Council.

Adjourned till 10 o'clock to-morrow.

THURSDAY, A. M., June 5th, 1783.

The Council met. Present the same members as on yesterday.

Mr. Molleston, a member of the House of Assembly, attending, was admitted and delivered to the Chair a message from the President to the General Assembly of the 31st May, 1783, together with its inclosures.

On motion, by order, the foregoing message, and its inclosures, were severally read, and the said message follows in these words, viz:

"*Gentlemen of the General Assembly:*

"I beg leave to congratulate you on the happy and important "event of peace, liberty and independence, secured to these "States by the preliminary treaties between the belligerent pow-"ers. The accomplishment of these objects, under the smiles "of Divine Providence, and the aid of our illustrious ally, has "placed America in an equal station among the Nations of the "Earth.

"Her attention should now be undiverted to support a char-

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orthy of the virtuous struggles by which she has, in her ent conflict, acquired her elevation; and I hope, a reg- ministration of justice, and a due veneration of national ill render her as respectable in peace as she has been us in war.

ng your late recess, I have received the following public —from the President of Congress, of the 8th and 24th uary last, and the 6th and 9th of May instant—from the ry for Foreign Affairs, of the 3d of January and the April—from the Superintendent of Finance, of the 22d ruary, the 2d, 20th and 25th of March, the 12th and April, and the 9th, 12th and 20th of May.

e letters, with their enclosures, I have directed the ry to lay before you. To such of these papers as re- our immediate attention, I am persuaded it is needless to urge it, being well convinced of your disposition to necessary dispatch to the public business.

"NICHOLAS VANDYKE.

r, 31 May, 1783."

ned till to-morrow.

FRIDAY, June 6th, 1783.

uncil met. Present the same members as on yesterday.

ned till to-morrow.

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SATURDAY, June 7th, 1783.

The Council met. Present the same members as on yesterday.

Mr. James, a member of the House of Assembly, was admitted and delivered to the Chair a bill for altering part of the 8th Article of the Confederation.

The same member also delivered to the Chair a supplementary bill to the act for the further security of the Government.

The same member also delivered to the Chair a bill to repeal part of an act entitled "An act to prevent the sales of lands, goods and chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes."

On motion, by order,

The bill for altering part of the 8th Article of the Confederation, was read the first time.

On motion, by order,

The supplementary bill to the act for the further security of the Government, was read the first time.

On motion, by order,

The bill for repealing part of an act entitled "An act to prevent the sales of lands, goods and chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes," was read the first time.

On motion,

The Council took into consideration the subject matter of the letter from the Superintendent of Finance to the President of this State, dated the 20th of May last; and it was thereupon ordered that a committee be appointed to prepare and bring in a bill, by way of a supplement to the act entitled "An act for aiding and more effectually carrying into execution certain acts of Congress of the twentieth and twenty-seventh days of February last past," in order to further enable the commissioners appointed under the said acts of Congress to perform their respective duties, and to

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ovision for the speedy and effectual recovery from indi-
f debts due and effects belonging to the United States.

r ordered, That Mr. Read, Mr. Bassett, and Mr. Grant-
committee for the purpose aforesaid.

otion of Mr. Bassett, for leave of absence for a few
account of his necessary attendance on a court in Cecil
in Maryland, the same application, on account of the
ate of the public business now before the Council, and a
y of a deficiency of members, was rejected.

upon a notification from the Speaker of the Council,
o the justices of the said court, stating the reasons of
ett's non-attendance on the said court, was requested
ed, and signed accordingly by the Speaker.

ned till Monday next.

MONDAY, June 9th, 1783.

uncil met. Present the same members as on Saturday

mmittee appointed to prepare and bring in a bill, by
upplement to the act entitled "An act for aiding and
ctually carrying into execution certain acts of Congress
th and 27th days of February last past," now reported
had essayed a draught of such a supplementary bill,
s laid on the table for the consideration of the Council.

illiam Polk attended in the Council, and, at his seat,
excuse for his non-attendance at an earlier period in the
ession; which was admitted.

tion, by order,

ll entitled "A supplementary act to the act entitled
or aiding and more effectually carrying into execution
cts of Congress of the 20th and 27th days of February
" was read the first time.

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By special order, the same was read the second time, and the third reading thereof ordered to-morrow morning.

On motion, by order,

The bill for altering part of the 8th Article of the Confederation was read the second time, and the same was taken into consideration, and after some time spent therein the further consideration is postponed till to-morrow.

Adjourned till to-morrow at 10 o'clock.

TUESDAY, June 10th, 1783.

The Council met. Present the same members as on yesterday.

On motion, by order,

The supplementary bill to the act entitled "An act for aiding and more effectually carrying into execution certain acts of Congress of the twentieth and twenty-seventh days of February last past," passed the 22d day of June, 1782, was read the third time, by paragraphs, and will pass.

Ordered, That Mr. Joshua Polk deliver the said bill to the House of Assembly, for their consideration and concurrence, together with the letter from the Superintendent of Finance relative to the subject matter of the same bill; and that he return to that House the President's Message of the 31st ultimo, with sundry of the letters and papers accompanying the same.

Mr. Polk, being returned, reported the delivery of the several papers committed to him, according to order.

The Council now resumed the consideration of the bill for altering part of the 8th Article of the Confederation, and having proceeded in the consideration of divers amendments thereto, the same was further postponed until to-morrow.

Adjourned till to-morrow.

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WEDNESDAY, June 11th, 1783.

The Council met. Present the same members as on yesterday.

Mr. Carty, a member of the House of Assembly, was admitted and delivered to the Chair a bill to invest the Congress of the United States with a power to levy duties, &c.

On motion, by order, the further consideration of the bill for altering part of the 8th Article of the Confederation, was now proceeded in, and the several amendments proposed to the same were agreed to, and ordered to be transcribed.

Ordered, That Mr. William Polk return the said bill, with the papers of amendments proposed thereto by the Council, to the House of Assembly.

Mr. Polk reported the delivery according to order.

On motion, by order,

The bill to invest the Congress of the United States with a power to levy duties, &c., was read the first time.

On motion, by order,

The bill to repeal part of an act entitled "An act to prevent the sales of lands, goods and chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes," was read the second time, and sundry amendments to the same bill were proposed, agreed to, and ordered to be transcribed.

Mr. James, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill for altering part of the 8th Article of the Confederation, together with the paper of amendments proposed thereto by the Council acceded to by the House of Assembly, except as to that part of the first amendment proposed by the Council, with respect to the preamble of the bill, which was disagreed to by the House of Assembly.

On motion, by order,

The Council took into consideration that part of the amendment proposed by them to the bill for altering part of the 8th

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Article of the Confederation, which was disagreed to by the House of Assembly, and receded therefrom, and agreed that the said bill, with the amendments proposed thereto by them and acceded to by the House of Assembly, should pass.

Ordered, That Mr. William Polk return the said bill and its amendments to the House of Assembly, and inform them that the Council have receded from that part of their amendment to the same bill which was disagreed to by the House of Assembly; and that he also return to that House the bill to prevent the sales of lands, goods and chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes, together with the paper of amendments proposed thereto by the Council, for their consideration.

Adjourned to 10 o'clock to-morrow.

THURSDAY, June 12th, 1783.

The Council met. Present the same members as on yesterday.

Mr. Polk now reported the delivery of the several papers committed to him, agreeable to the order of yesterday.

On motion, by order,

The bill to invest the Congress of the United States with a power to levy duties upon all goods, wares, and merchandise imported into this State, &c., was read the second time, and the further consideration thereof is postponed till to-morrow.

Adjourned till to-morrow.

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FRIDAY, June 13th, 1783.

The Council met. Present the same members as on yesterday.

Doctor Clayton, a member of the House of Assembly, was admitted and delivered to the Chair the accounts of Peter White, late Receiver of Supplies for the County of Sussex, together with the report of the Joint Committee of Accounts and the proceedings of the House of Assembly on the said accounts.

On motion, by order,

The bill to invest the Congress of the United States with a power to levy duties upon all goods, wares, and merchandise imported into this State, &c., was read the third time, by paragraphs, and on the question being put, whether the words [the lands, messuages and tenements], in the 5th line of the 4th page of the bill, should be left out, and the words [all the taxable property, real and personal], should be inserted in their stead, the House was divided, and the Speaker gave his casting vote in favor of the amendment, and the amendment being so carried, the yeas and nays were desired by Mr. William Polk. They are as follows, to wit:

For the amendment—Mr. Read, Mr. Bassett, Mr. Grantham.

Against it—Mr. William Polk, Mr. Joshua Polk, Mr. Baning.

Then the Council proceeded in the further consideration of the said bill, and divers other amendments thereto were proposed, agreed to, and ordered to be transcribed, and sent, together with the bill, to the House of Assembly, for their consideration and concurrence, by Mr. William Polk.

On the application of Mr. Joshua Polk for leave of absence till 12 o'clock on Monday next, the same was granted him.

Adjourned till 9 o'clock to-morrow.

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SATURDAY, June 14th, 1783.

The Council met. Present the same members as on yesterday, except Mr. Joshua Polk.

Mr. William Polk now reported the delivery of the papers committed to him, agreeable to the order of yesterday.

Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair a message, of the present instant, from his Excellency, the President, with its inclosures.

On motion, by order, the foregoing message and its inclosures were severally read, and the said message is as follows, viz:

"*Gentlemen:*

"The Secretary will lay before you a letter I have just received from our Delegates in Congress, and a report of a committee of that honorable body, on the subject of the back lands.

"The letter explains the views of the Delegates in transmitting those proceedings, and points out the necessity that your instructions on that important subject be forwarded as speedily as possible.

"Gentlemen—The evidences of titles to land in this State, deposited in the Land Office in Philadelphia, not officially under the care of any person, and the necessity of those papers being brought and committed to the keeping of a proper, accountable officer within the State, from which place only the individual interested will be able to obtain legal copies, have induced me to mention this subject, and to recommend that the same may be taken and provided for by the General Assembly as soon as possible.

"NICH. VANDYKE.

"Dover, 14 June, 1783."

On motion, by order,

The supplementary bill to the act for the further security of the Government, was read the second time, and the subject matter thereof being taken into consideration, the question was put,

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"Whether the said bill shall be rejected or not?" and it was carried in the affirmative.

Whereupon the yeas and nays were required by Mr. William Polk. They are as follows, viz:

For the affirmative—Mr. Read, Mr. Bassett, Mr. Grantham.

For the negative—Mr. William Polk.

Mr. Clayton, a member of the House of Assembly, was admitted and delivered to the Chair the following verbal message from the House of Assembly to the Council, viz:

"*Gentlemen:*

"The House of Assembly having considered the amendments "offered by your honorable body to the bill entitled "An act to "invest the Congress of the United States with the power to levy "duties upon all goods, wares, and merchandise imported into "this State from beyond the seas, for a limited time, and for es- "tablishing a fund for the payment of interest arising on the pub- "lic debt," and apprehending that this business would be accel- "erated by a communication of opinion thereon, propose that a "committee of conference be appointed for this purpose, and "therefore have, on the part of this House, appointed the follow- "ing conferees: Mr. Peery, Mr. Clayton, and Mr. Barratt, who "will meet at one o'clock this afternoon, if your honorable House "concur herein."

The Council acceded to the above mentioned proposition, and have appointed, on their part, Mr. Read, Mr. Bassett, and Mr. Grantham, to join with the Committee of the House of Assembly in the business above mentioned, proposing the hour of 4 o'clock to be the hour of meeting.

Ordered, That Mr. Grantham return the same to the House of Assembly, with the concurrence and appointment of the Council thereto.

Mr. Grantham reported the delivery of the same according to order.

Mr. Kean, a member of the House of Assembly, was admitted and delivered to the Chair Capt. James Moore's accounts and

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vouchers for superintending the recruiting service in this State, together with the report of the committee of the House of Assembly thereon.

Adjourned to Monday next.

MONDAY, June 16th, 1783.

The Council met. Present the same members as on Saturday, and also Mr. Joshua Polk.

Mr. Molleston, a member of the House of Assembly, was admitted and delivered to the Chair a bill for repealing an act ascertaining the daily allowance to members of the General Assembly, &c.

Adjourned till to-morrow.

TUESDAY, June 17, 1783.

The Council met. Present the same members as on yesterday.

Mr. Waples, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act for raising twenty-two thousand five hundred pounds for the service of the year 1783."

Ordered, That the Speaker sign a joint draught on the State Treasurer for the sum of £12,000, payable to the order of Congress, or the Superintendent of Finance, in compliance with the requisitions of Congress of the 30th of October and 2d of November, 1781; which was accordingly done.

On motion, by order,

The bill for repealing an act ascertaining the daily allowance to members of the General Assembly, was read the first time.

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On motion, by order,

The bill for raising twenty-two thousand five hundred pounds for the service of the year 1783, was read the first time.

On motion,

Resolved, That the President's Message of the 14th instant, and the letter addressed to the President from the Delegates of this State in Congress, and the inclosed report of a committee of Congress on the act of the Legislature of Virginia of the 2d of January, 1781, respecting the cession of that State to the United States of all the lands northwest of the River Ohio, (which accompanied the same message) be referred to a committee, to report thereon.

The members chosen, are Mr. Read, Mr. Bassett, and Mr. William Polk.

On motion, by order,

The bill for repealing an act ascertaining the daily allowance to members of the General Assembly, was read the second time, and sundry amendments thereto were proposed, agreed to, and ordered to be transcribed.

On motion, by order,

The resolution of the House of Assembly for the payment of the Delegates from this State to the Congress of the United States, which was delivered to the Council at their last sitting, was now read the first time.

By special order, the same was read the second time, and sundry amendments were proposed, agreed to, and ordered to be transcribed.

Ordered, That Mr. Grantham return to the House of Assembly the bill for repealing an act ascertaining the daily allowance to members of the General Assembly, with a paper of amendments proposed by the Council thereto; and also the resolution for the payment of the Delegates from this State to Congress, with a paper of amendments proposed thereto by the Council, for their consideration and concurrence; and that he also return to that House the supplementary bill to the act for the further security of the Government, with the rejection of the Council thereto.

Adjourned till to-morrow.

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WEDNESDAY, June 18th, 1783.

The Council met. Present the same members as on yesterday.

Mr. Grantham now reported the delivery of the papers committed to him, according to the order of yesterday.

On motion, by order,

Capt. Moore's general account, and the report of the committee of the House of Assembly thereon, were read, and some amendments were proposed and agreed to.

Mr. Molleston, a member of Assembly, was admitted and delivered to the Chair a supplementary bill to the act for ascertaining the depreciation of the pay accounts of divers persons in the several departments of the army, &c.

The same member also delivered a bill for preventing vexatious suits, &c.

On motion, by order,

The supplementary bill to the act for ascertaining the depreciation of the pay accounts of divers persons in the several departments of the army, &c., was read the first time.

On motion, by order,

The bill for preventing vexatious suits, &c., was read the first time.

Mr. Clayton, a member of Assembly, was admitted and delivered to the Chair the bill for auditing and arranging the accounts of this State, and for the more speedy and effectual settlement of the same, together with the several papers of amendments proposed thereto by both Houses at their last sitting, and some additional amendments proposed by the House of Assembly, in their present meeting, to the said bill.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a message from the President, of the 13th instant.

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The same member also delivered to the Chair a resolution of the House of Assembly for erecting a tombstone over the grave of Colonel Haslet.

The same member also delivered a resolution of the House of Assembly respecting an adjournment.

Ordered, That Mr. Baning return to the House of Assembly Capt Moore's general account, with a paper of amendments proposed thereto by the Council, and the report of the committee of the House of Assembly thereon.

Mr. Baning reported the delivery according to order.

Adjourned to to-morrow.

THURSDAY, June 19th, 1783.

The Council met. Present the same members as on yesterday.

On motion, by order,

The bill for raising £22,500, was read the second time.

Dr. Clayton, a member of the House of Assembly, was admitted and delivered Capt. James Moore's general account, with the amendments proposed thereto by the Council agreed to by the House of Assembly.

The Council, taking up the accounts of Capt. James Moore respecting the recruiting service on the report of the committee to whom they were referred, do concur with the House of Assembly in the allowance of the same as they stand stated in the general account thereof; and it is thereupon

Ordered, That Capt. Moore deliver the particular vouchers, supporting the charges stated in his general account aforesaid, to the Clerk of the House of Assembly, in order to support a charge against the United States.

Ordered also, That Capt. James Moore transfer, by way of

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assignment, for the use of the State, to Major William Peery, the evidences and securities for £139 : 5 : 3, stated, in his account, as outstanding and owing to the Delaware State from William Polk and John Clowes, Esquires, Charles Williams and Foster Donnaven, exclusive of the sum of £50 : 9 : 4¾, appearing at the foot of the general account, now exhibited and passed by the General Assembly; which said sum of £139 : 5 : 3 the said William Peery is hereby directed to receive, collect and pay over to the State Treasurer.

And it is further

Ordered, That Captain Moore be served with a copy of these orders.

Ordered, That Mr. William Polk return to the House of Assembly the accounts and vouchers of Capt. Moore, and that he deliver to that House the resolutions of the Council respecting the same, for their consideration and concurrence.

Mr. Polk reported the delivery thereof according to order.

Mr. Charles Polk, a member of the House of Assembly, was admitted and returned to the Chair the resolutions of the Council respecting Capt. Moore's accounts, with the concurrence of the House of Assembly thereto.

The committee to whom were referred the President's Message of the 14th instant, accompanied with a letter from the Delegates of this State in Congress, on the subject of the back lands, now laid their report on the table.

On motion, by order, the said report was read the first time.

By special order, the same was read the second time and agreed to.

Ordered, That Mr. Baning deliver the same to the House of Assembly, for their consideration and concurrence.

Mr. Baning reported the delivery according to order.

On motion, by order,

The supplementary bill to the act for ascertaining the depreciation of the pay accounts of divers persons in the several departments of the army, &c., was read the second time, and sundry

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amendments were proposed, agreed to, and ordered to be transcribed.

Ordered, That Mr. Joshua Polk return the said bill, with the paper of amendments proposed thereto by the Council, to the House of Assembly, for their consideration and concurrence.

Mr. Polk reported the delivery according to order.

Mr. Carty, a member of the House of Assembly, was admitted and delivered to the Chair the resolutions of the General Assembly, made at their last sitting, directing a report of the state of the accounts between this State and the United States, with a resolution of the House of Assembly for the payment of seventy-five pounds to Wm. Peery, Esq., for public services performed.

Adjourned till to-morrow at 7 o'clock.

FRIDAY, June 20, 1783.

The Council met. Present the same members as on yesterday.

The Council now took into consideration the additional amendments proposed by the House of Assembly to the bill for auditing and arranging the accounts of this State, and agreed thereto, and also proposed further additional amendments to the said bill, by inserting in the 4th page of the House of Assembly's transcribed bill, last line but one and next before the words [any law, usage or custom to the contrary notwithstanding], the following words: [other than for any overplus of the specific sum directed to be raised in the annual tax acts occasioned by an excess of rate laid to supply deficiencies and the charge of collection].

Ordered, That Mr. Read return to the House of Assembly the foregoing bill, with the additional amendments proposed by that House agreed to by the Council, and a further additional amendment proposed by the Council to the said bill.

Mr. Read reported the delivery thereof, according to order, to the House of Assembly.

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On motion, by order,

The bill for raising £22,500 for the service of the year 1783, was read the third time, by paragraphs, and, upon the motion and question, "Whether the power of collection shall be vested in one person in each county, he to be accountable in the Auditor's office by rendering his accounts there of collection on or before the 20th day of January and 10th day of April next, and finally accounting there on the said 10th day of April, paying in the meantime to the State Treasurer, on the 1st days of December and March next, the several proportions directed to be raised in each county, thereby changing the mode of collection from the collectors of hundreds and their account and payment to the County Treasurer, and by him to the State Treasurer," the Council determined in favor of the question.

Whereupon Mr. William Polk required the yeas and nays on the above question. They are as follows:

For the question—Messrs. Read, Bassett, Grantham, and Banning.

Against it—Mr. William Polk, and Mr. Joshua Polk.

Then the Council proceeded in the further consideration of the said bill, and divers other amendments were proposed, agreed to and ordered to be sent to the House of Assembly, for their consideration and concurrence, together with the said bill, by Mr. Bassett; who reported the delivery according to order.

Mr. James, a member of the House of Assembly, attending, was admitted and delivered to the Chair the report of the committee of the House of Assembly upon the memorials of Capt. Moore and Doctor Tilton, and the petition of Ginnethan Harney, formerly a lieutenant in the Delaware Regiment, together with a resolution of the House of Assembly for issuing a certificate to Ginnethan Harney.

Mr. Ridgely, a member of the House of Assembly, was admitted and delivered to the Chair the bill for raising £22,500 for the service of the year 1783, with the paper of amendments proposed thereto by the Council, disagreed to by the House of Assembly except as to their first part of the 4th amendment.

Mr. Davis, a member of the House of Assembly, was admitted

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red to the Chair the bill for auditing and arranging
ts of this State, &c., and the further additional amend-
osed thereto by the Council acceded to by the House
ly, together with a further amendment proposed by the
Assembly to the same bill; which, by order, was read,
and agreed to. Upon the question being put, it was
l in Council unanimously that the blank in the bill for
nd arranging the accounts of this State and for the
ual settlement of the same, be filled up with the name
McComb, Esquire.

That the said bill, as amended and agreed to, be en-

rles Polk, a member of the House of Assembly, was
nd returned the report of the committee of Council to
referred the President's Message of the 14th June,
mpanied with a letter from the Delegates of this State
ject of the back lands, with an amendment proposed
the House of Assembly.

leston, a member of Assembly, was admitted and de-
account of James Booth, Esquire, for public services
nst the Delaware State, amounting to £74 : 12 : 10,
ith a resolution of the House of Assembly for the pay-
24 : 12 : 10, the balance of the above account, to the
Booth.

e member also delivered to the Chair the account of
y, Esquire, late Assistant Commissary of Purchases,
to £1997 : 18 : 4, together with a resolution of the
Assembly for the payment of £500 to Isaac Carty, Esq.

on, by order,

for preventing vexatious suits, &c., was read the
e.

ed till to-morrow.

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SATURDAY, June 21, 1783.

The Council met. Present the same members as on yesterday.

The bill for auditing and arranging the accounts of this State, &c., being engrossed, was read, compared and signed by the Speaker.

The Council now took into consideration such of the amendments as were proposed by them and disagreed to by the House of Assembly to the bill for raising £22,500 for the service of the present year, and receded from all so disagreed to except the proposed enacting clause in the 6th amendment, to which they adhered, and proposed a paper of further amendments to the same bill, which were agreed to, and ordered to be transcribed and sent to the House of Assembly, accompanied with the following message, drawn up at the table, read and agreed to, viz:

Gentlemen:

We return your second Tax Bill for the present year, with our first paper of amendments, the most material of which you had disagreed to, and you will then discover, that the Council had receded from all those amendments so disagreed to, but the proposed enacting clause in the sixth amendment, which the Council consider as necessary to be adopted upon the principles and plan of the Auditor's Bill, which has received the concurrence of your honorable House. We send you also a second paper of amendments framed on the same principles, to prevent a contradiction in the provision of the two bills aforesaid as to the mode of accounting by the respective County Treasurers.

Gentlemen—Be assured, that we have withdrawn those amendments relative to the mode of collection and account of the State-tax, granted by this bill for the year, not from any alteration in our sentiments expressed in our message to your House of the fourth of February last, with respect to which you have held an awful silence. The framing of this second bill upon the plan of the first, without answering the reasons assigned by Council for their proposed amendments to substantial parts of the bill, is a mode of conducting business of legislation totally different from what the Council conceive to be parliamentary, or ever hereto-

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fore in practice in this State. The Council consider the delay of your honorable House, in taking up this subject of the annual supplies so late in the session, as an apology to the public and themselves, for assenting to the continuance of a plan of collection of the State-tax as heretofore used, apparently inadequate and unproductive. As the Council must either recede from their well founded and unanswered amendments, or lose the supplies for the year, they have considered the first as the lesser inconvenience, because temporary, and may be provided against in future.

Gentlemen of the House of Assembly—We cannot here omit taking notice of a further striking fact in support of our proposed alteration in the plan of collection and account of the State-tax which has been afforded since our former message on this subject, that is the total silence of the several persons to whom the resolutions of the General Assembly, passed the thirty-first January, 1783, were addressed and delivered, respecting the collection and account of the State-tax of the year 1781, particularly the County Treasurers, who were to be the first and principal actors under those resolutions, two of whom are members of your honorable House.

Ordered, That Mr. Bassett return to the House of Assembly the said bill, with the paper of further amendments proposed thereto by the Council, and the foregoing message; and that he also deliver the Auditor's bill, engrossed and signed by the Speaker, with the original bill, for comparison, and in order to be signed by the Speaker of the House of Assembly.

Mr. Bassett reported the delivery thereof according to order.

The Council took into consideration the amendment proposed by the House of Assembly to the instructions proposed by the Council to the Delegates from this State to the Congress of the United States, and agreed to the said proposed amendment, and the same, as was agreed to by both Houses, are as follows:

INSTRUCTIONS FROM THE GENERAL ASSEMBLY OF DELAWARE TO THE DELEGATES OF THE SAID STATE TO THE CONGRESS OF THE UNITED STATES OF AMERICA.

Gentlemen:

Yours of the eleventh instant to the President of this State, accompanied with the report of a committee of Congress on the

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act of the Legislature of *Virginia* of the second of January, 1781, respecting the cession offered by that State to the United States, of all the lands northwest of the River Ohio, was laid before us, and after full consideration and deliberation had upon the premises, we are decidedly of opinion, that this State is justly entitled to a right, in common with the other members of the Union, to all that extensive tract of country which lies to the westward of the frontiers of the United States, the property of which was not vested in, or granted to, individuals at the commencement of the present war; or which hath been, or may hereafter be, gained from the King of Great Britain, or the native Indians, by the blood and treasure of all, and ought therefore to be a common estate, to be granted out on terms beneficial to the United States.

We are the more strongly impressed with these sentiments, because well assured, that every idea held out to the public, on paper or otherwise, at the commencement of the late war, was diametrically opposite to the acceptance by the other States, of the cession now proposed.

Why is this partial cession proposed, and that too, wonderfully fetterred?

The States are, or are not, entitled to their proportional part of the lands in dispute. If entitled, then the accepting of what is proposed is, must and will be hereafter, considered a clear dereliction of their right to the residue.

We apprehend the considering of these lands as the now indisputable right of the United States in common, and hereafter to be granted out on terms beneficial to the whole, is so plainly consistent with justice and so indispensibly essential to the future peace and welfare of the Union, that we feel ourselves not a little alarmed at such a seeming disinclination, which too evidently appears in our sister State, in giving up what justice so loudly demands from her.

We judge this business to be of the first magnitude—deeply interesting to us and our posterity; and for cogent reasons, we conceive no time should be lost in bringing it to a conclusion; and we expect and desire, that you will positively assert the claim of this State, in common with the other States, to all the lands to the westward of the frontiers of the United States as above expressed.

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And that if any particular doubts or difficulties present themselves to your minds on the above question, supposing the ground thereof should be changed, or on any other question of great moment agitated, or likely to be soon controverted in Congress, you will communicate them fully to the President of this State, that he may be enabled to judge of the expediency of convening the Legislature and taking their sense thereon for your further direction.

On motion, by order,

The resolution for erecting a tombstone over the grave of Col. Haslet, was read the first time.

By special order, the same was read the second time, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., June 18, 1783.

"The House having taken into consideration that part of the "message from his Excellency, the President, of the thirteenth "instant, recommending that something monumental be erected "at the place of interment of the body of Colonel John Haslet, "who nobly fell in the defence of the freedom of America,

"*Resolved*, That the Delegates from this State to Congress be "empowered to cause a tombstone to be erected over the grave "of the deceased, at the expense of this State, with such inscrip- "tion thereon as they shall think proper, expressive of the high "esteem this State entertains for the memory of that worthy "citizen and patriot; and that the President be empowered to "draw his order on the State Treasurer for any sum not exceed- "ing twenty pounds to defray the expense thereof.

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

On motion, by order,

The resolution of the House of Assembly founded on the report of the Committee of Accounts on the accounts of Peter White, was read and concurred in.

On motion, by order,

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The resolution of the House of Assembly for the payment of £75 to Wm. Peery, Esq., was read and concurred in.

On motion, by order,

The resolution for the payment of £24 : 12 : 10 to Jas. Booth, Esquire, was read and concurred in.

On motion, by order,

The resolution for issuing a certificate to Ginnethan Harney, was read and concurred in.

Ordered, That Mr. W. Polk return to the House of Assembly the several foregoing resolutions, concurred in severally by the Council, together with the several accounts on which the said resolutions are respectively founded; and that he also deliver to that House the instructions of the Council to the Delegates in Congress, with the amendment proposed thereto by the House of Assembly agreed to by the Council.

Mr. Polk reported the delivery according to order.

Mr. James, a member of the House of Assembly, was admitted and delivered to the Chair a resolution appointing a committee to adjust the Loan Office accounts of Kent so far as respects Mr. Vining's estate.

The same member also delivered a resolution for the payment of £200 to James Adams, printer, accompanied with his petition.

The same member also delivered a resolution for ascertaining the allowance to the Delegates to Congress, founded on the resolutions of the last sitting, as amended by Council and agreed to by the House of Assembly.

The same member also delivered to the Chair a resolution appointing commissioners for establishing the line of jurisdiction, &c.

Mr. Clayton, a member of Assembly, was admitted and delivered to the Chair a resolution directing the State Treasurer to discharge the balance due on Robert Morris', Esq., bond.

On motion, by order,

The resolution appointing a committee to adjust the Loan

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Office accounts of Kent County so far as respects Mr. Vining's estate, &c., was read and concurred in.

And thereupon the Council have appointed, on their part, John Cook, Esq., to join with the committee of the House of Assembly in the business above mentioned.

On motion, by order,

The petition of James Adams, printer, and the resolution of the House of Assembly for the payment of £200 to the said Jas. Adams, were read and concurred in.

On motion, by order,

The resolution for ascertaining the allowance to the Delegates in Congress, was read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,

"SATURDAY, June 21, 1783.

"WHEREAS it is necessary that the allowance to the Dele-"gates, from this State to the Congress of the United States of "America, be fixed and ascertained, and that a regular represen-"tation of this State in Congress be kept up in future; therefore

"*Resolved*, That each of the Delegates from this State to Con-"gress, for the present year, be allowed the sum of *four dollars* "*per day*, for every day they attend in Congress; provided that "such attendance be regular, so that a representation be kept up "in Congress.

"*Resolved also*, That the President or Commander-in-Chief of "this State, upon each Delegate's producing an account of his "monthly attendance as aforesaid, be and he hereby is author-"ized to draw an order on the State Treasurer, indorsed on such "account, for the payment of the same, which account, order "and receipt, shall be a sufficient voucher for the Treasurer in "settlement of his account.

"JAS. BOOTH, *Cl'k of Assembly*.

"Sent for concurrence."

On motion, by order,

The resolution appointing commissioners for establishing the line of jurisdiction, &c., was read, concurred in, and is as follows:

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"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., June 19, 1783.

"On motion,

"*Resolved*, That the Delegates from this State to the Congress "of the United States, for the time being, or any two of them, "be and are hereby appointed Commissioners, on the part of this "State, to join with such Commissioners as are, or may be ap- "pointed by the States of Pennsylvania and New Jersey, for the "purpose of settling and establishing the line of jurisdiction be- "tween Delaware, Pennsylvania and New Jersey, and for ascer- "taining and establishing the right of this State to the islands in "the Bay and River of Delaware.

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

On motion, by order,

The resolution directing the State Treasurer to discharge the balance due on Robert Morris', Esq., bond, was read and concurred in.

On motion, by order,

The resolution of the House of Assembly for the payment of £500 to Isaac Carty, Esq., was read and disagreed to.

Ordered, That Mr. Joshua Polk return the several foregoing resolutions (except the last mentioned, which was disagreed to), with the concurrence of the Council respectively thereto.

Mr. Polk reported the delivery according to order.

Mr. Charles Polk, a member of the House of Assembly, was admitted and delivered to the Chair the bill for arranging the accounts of this State, with the original.

The same member also delivered the bill for raising £22,500 for the service of the year 1783; the supplementary act to the act for ascertaining the pay accounts of divers persons in the several departments of the army, &c.; the bill to authorize the Delegates of the Delaware State to ratify the alteration of the 8th Article of the Confederation, &c.; the bill for repealing part of

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ascertaining the allowance to the members of the Gen-
mbly, &c.; the bill to invest Congress with the power
uties upon all goods, &c.; and also the bill for repealing
n act entitled "An act to prevent the sales of lands,
c., by virtue of executions," respectively engrossed and
y the Speaker of the House of Assembly, together with
on for affixing the Great Seal to the said bills, and a
from the House of Assembly to the Council.

tion, by order,

regoing bills were read, compared, and ordered to be
ly signed by the Speaker of the Council; which was
ly done.

tion, by order,

solution for affixing the Great Seal to seven laws passed
une, 1783, was read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, June 21, 1783.

notion,

ved, That the President and Commander-in-Chief affix
eat Seal of the State to the following laws, to wit:

An act to invest the Congress of the United States with
ver to levy duties upon all goods, wares, and merchan-
ported into this State from beyond the seas, for a limited
nd to establish a fund for the payment of the interest
on the public debt;'

An act for repealing part of an act entitled 'An act for
ning the allowance to members of the General Assem-
d for other purposes,' passed at New Castle, the twelfth
February, one thousand seven hundred and eighty-one;'

An act to authorize the Delegates of the Delaware State
cribe and ratify the alteration of part of the Eighth
of the Confederation and perpetual Union between the
States of America, as agreed to in Congress on the
nth day of April last;'

An act for the repeal of part of an act entitled 'An act

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"to prevent the sales of lands, goods, and chattels, by virtue of "execution, in certain cases, for a limited time, and for other "purposes;'

"5. 'An act for the auditing and arranging the accounts of "this State, and for the more effectual settlement of the same;'

"6. 'A supplement to an act entitled 'An act for ascertaining "the depreciation of the pay accounts of divers persons in the "several departments of the army who are credited to this State "as part of the quota of the land forces thereof, and for other "purposes;'

"7. 'An act for raising twenty-two thousand five hundred "pounds for the service of the year one thousand seven hundred "and eighty-three.'

"JAMES BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for the payment of £29 to the President, with an order, signed by the Speaker of the House of Assembly, for that purpose, and also an order in favor of James Adams, printer, for £200, signed as above.

On motion, by order,

The resolution for the payment of £29 to the President, was read, concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, June 21, 1783.

"On motion,

"*Resolved*, That his Excellency, the President, be allowed the "sum of twenty-nine pounds for the purpose of defraying his "expenses during his attendance on the General Assembly at "the present sessions.

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

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upon the order above mentioned, in favor of the Presi-
that in favor of James Adams, were respectively signed
eaker.

d, That Mr. Polk return to the House of Assembly the
bills, respectively signed by the Speaker of the Coun-
ner with the resolution for affixing the Great Seal to the
and the resolution for the payment of £29 : 0 : 0 to the
with the concurrence of the Council severally thereto.

lk reported the delivery according to order.

ne Council took into consideration the per diem wages
ge of their Members and Clerk, incurred at their pre-
ing, and the following accounts were allowed, viz:

on. John Cook, Esq., Speaker, No. 1, . .	£ 27	11	0
e Read, Esq., No. 2, ...	18	13	6
Grantham, Esq., No. 3, ...	20	9	6
Baning, Esq., No. 4, ...	17	10	0
rd Bassett, Esq., No. 5, ...	21	17	6
a Polk, Esq., No. 6, ...	19	2	0
m Polk, Esq., No. 7, ...	12	10	6
min Vining, as Clerk of the Council, No. 8,	25	2	6
Eliza Battell, for the hire of her room, No.			
. . . . .	5	0	0
	£ 167	16	6

upon

d, That the Speaker draw orders on the State Treasurer
f the respective persons above mentioned for the pay-
he sums annexed to their names respectively.

was accordingly done.

he Council adjourned to the 30th day of September

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MINUTES OF COUNCIL.

OCTOBER, 1783.

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MEMBERS' NAMES.

NEW CASTLE COUNTY:

ISAAC GRANTHAM, GEORGE READ, THOMAS MCDONOUGH.

KENT COUNTY:

RICHARD BASSETT, JOHN BANING, CÆSAR RODNEY, *Speaker.*

SUSSEX COUNTY:

WILLIAM POLK, JOHN COLLINS, JOSHUA POLK.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Legislative Council for the Delaware State, held at Dover, for the said State, on Monday, the 20th day of October, Anno Domini, 1783,

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Saturday, the 25th of the same month, when these appeared, as follows:

For New Castle County — Isaac Grantham, George Read, Thomas McDonough.

For Kent County—Richard Bassett, John Baning, Cæsar Rodney.

And the said members being so met in Council, certain indentures, certifying the election of Thomas McDonough, a member of the Council for the County of New Castle, and Cæsar Rodney, a member of the Council for the County of Kent, were respectively produced and read, whereby it appeared to the Council that they were severally duly elected to represent the said Counties as members of the Legislative Council of the Delaware State, at the last annual election held in the Counties of New Castle and Kent, on the first day of this instant, October, for three years next ensuing the said election.

The Council proceeded to the choice of a Speaker, and the Honorable Cæsar Rodney, Esquire, was unanimously chosen.

The Council then proceeded to the choice of a Clerk, and a letter from Benjamin Vining, Esq., the late Clerk, being read,

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mentioning his desire to decline that service, James Sykes, Esq., was unanimously chosen Clerk of this House.

On motion, the Council adjourned to Monday morning, 10 o'clock.

MONDAY, 27th October, A. M.

Council met. Present all the members who appeared on Saturday last.

The Speaker, in the Chair, took the oath prescribed by the Constitution, and subscribed the declaration of faith therein required, and Thomas McDonough, Esquire, took the said oath and subscribed the declaration.*

James Sykes, Clerk of the Council, took the said oath and subscribed the declaration, and also took the oath of office.*

William Polk, Esq., a member of Council for Sussex County, appeared in the House and took his seat.

Joshua Polk, Esquire, also appeared in the House, and at the same time was delivered to the Chair an indenture, certifying that the said Joshua Polk, in the said indenture returned by the Sheriff, Inspectors and Freeholders of Sussex County, was elected in the present year for said county by a majority of such votes as the Inspectors of the several hundreds in the said county of Sussex, or a majority of them, adjudged to be legal votes.

On motion, ordered to be left under consideration until to-morrow.

Mr. Bassett prays leave of absence, to attend the Supreme Court of Sussex County, for a few days, which is granted.

Adjourned to 10 o'clock to-morrow morning.

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* See notes on pages 10 and 11.

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TUESDAY, 28th, A. M.

met. All the members present who attended yester-
pt Mr. Bassett.

peaker laid on the table sundry petitions and remon-
signed by a number of the inhabitants of Sussex
and one petition, signed by a number of the inhabi-
Kent County, delivered him by a member of the House
bly, complaining of irregularity in conducting the last
ections in those counties.

tion, ordered that the same be read; which was done
ly.

tion, by special order, the petition from Kent County
a second time. The whole referred to further consid-

ned to three o'clock this afternoon.

EODEM DIE, P. M.

l met and resumed the consideration of the petitions last
d, and after some time spent thereon, ordered that sub-
all issue for James Raymond, Esq., Col. Charles Pope,
ndyke, Joseph Meredith, William Pope, Benj. Stout,
Jordon, Thomas Collins, Esquire, John Clayton, Esq.,
ewnam, Joseph Harper, Thomas Skillington, Samuel
Geo. McCall, Joseph Taylor, Henry Gilder and Curtis
n, commanding their appearance before this House on
the fourth day of November next, to be examined
the complaint exhibited in the said petition from Kent
nd that a copy of the said petition be made out by the
l delivered to John Clayton, Esquire, High Sheriff.

d also, That subpœnas shall issue for such persons whose

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names are written on the back of the petitions and remonstrances from Sussex County, to wit: Rhodes Shankland, Esquire, John Wiltbank, Esq., Thomas Duncan (Constable), Thomas Higman, Richard Hays, Thomas Fisher, Jr., John Burton, son of Benjamin, Zadock Lindal, Charles Polk, Francis Johnston, Alexander Laws, Esq., David Polk, Esq., John Laws, Esq., Evan McIvan, William Sharp, Ely Spicer, Doct. Clement Polk, Seth Griffith, Nathaniel Waller and Benjamin Burton; and also for such persons as were judges and clerks at the election of that County, to wit: Richard Hayes, Junior, John Willis, Joseph Bradley, Levin Vaughn, John Bacon, Robert Stephenson, Peter Marsh, Somerset Dickinson, Jonathan Nottingham and Mills Harney, commanding their attendance, respectively, before this House on Thursday, the sixth of November next, to be examined and answer touching the complaints represented in said petitions and remonstrances from said county; and that one copy of a petition and one of a remonstrance be made out by the Clerk and sent into that county.

Ordered, That Mr. Speaker sign the subpœnas above mentioned.

Ordered also, That Mr. Speaker issue subpœnas for such persons as may be wanted to attend and give evidence on the investigation of the subject matter of the above petitions concerning the elections of those counties, upon application made to him by any person or persons concerned for that purpose, returnable, those for Kent on Tuesday, the fourth of November next, or the day following; those for Sussex on Thursday, the sixth of the same month, or any day following in that week.

Then the Council appointed James Newnam Sergeant-at-Arms, and ordered that Mr. Speaker shall appoint a Deputy, to act in his stead, in case of necessary absence.

Adjourned to Tuesday, 4th November, at 10 o'clock in the morning.

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TUESDAY, November 4th, A. M.

met according to adjournment. All the members xcept Messrs. Bassett, Wm. Polk, and Collins.

on, ordered

e doors of this House shall be set open during the o the validity of the elections of Kent and Sussex.

on, ordered

e several depositions and examination of witnesses that ar before this House concerning the said elections shall n writing by the Clerk.

Newnam appointed Doorkeeper during the present

eral subpœnas issued for sundry persons in the County therein mentioned, were now returned by Stephen eputy Sergeant-at-Arms, and by him duly certified d served them upon each person respectively.

ed till three o'clock, P. M.

EODEM DIE, P. M.

met and proceeded to the examination of such wit- ppeared who were signers of the petition concerning on of Kent County, and took the same in writing, to the above order.

ion, adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, November 5th, A. M.

Council met. Present all the members who appeared yesterday, and resumed the examination of witnesses, and made some progress therein, and adjourned till 3 o'clock this afternoon.

EODEM DIE, P. M.

The Council met.

Mr. William Polk, a member of Council, appeared in the House, and made an apology for his non-attendance at the first meeting of this House, which was accepted.

The House continued the examination of witnesses on the petition from Kent County.

Mr. Collins, a member of Council, appeared in the House and took his seat.

Adjourned to ten o'clock to-morrow morning.

THURSDAY, 6th November, A. M.

Council met. Present all the members.

Mr. Bassett, who had been absent during the present sitting of the House at Sussex Supreme Court, now gave the reasons for his not sooner attending, which were accepted.

The several subpœnas issued for sundry persons of the County of Sussex, therein mentioned, were returned to this House by

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ewnam, Sergeant-at-Arms, and by him duly certified
ıd served them upon each person respectively.

ned to three o'clock, P. M.

EODEM DIE, P. M.

l met.

petitions, signed by a great number of the inhabitants
County, complaining of the violent proceedings of some
t the last general election in carrying off the box con-
ıe votes then remaining to be read at one of the polls,
.

d to lie on the table.

l then proceeded to examine witnesses from Sussex
ın the subject matter of the general election of that
ınd made some progress therein.

ned to ten o'clock to-morrow morning.

FRIDAY, 7th November, A. M.

met. Present all the members.

ıed the examination of witnesses from Sussex County
titions presented to Council from that county, and made
gress therein.

ıed till three o'clock this afternoon.

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EODEM DIE, P. M.

Council met and went into the same inquiry.

Adjourned till nine o'clock to-morrow morning.

SATURDAY, 8th November, A. M.

Council met. Present all the members.

Continued the examination of witnesses from Sussex County.

The question was put, after the subject was debated, whether Isaac Conway, a person who had been indicted for high treason in the County of Sussex, and afterwards pardoned by an act of Assembly for the relief of divers persons concerned in the late insurrection in said county, passed November 4th, 1780, should be admitted to give evidence to Council upon the subject matter of the election of that county, the said person having complied with the terms of said act, and it passed in the affirmative.

On motion, that the yeas and nays should be entered on that question, it was ordered accordingly, and they are as follows, viz:

For the affirmative — George Read, Richard Bassett, John Baning, Thomas McDonough, Isaac Grantham.

For the negative—William Polk, John Collins.

Council adjourned to 10 o'clock Monday morning.

MONDAY, 10th November, A. M.

Council met. Present all the members, except Mr. Polk and Mr. Collins, and continued the examination of witnesses from Sussex County.

Adjourned to three o'clock this afternoon.

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EODEM DIE, P. M.

met. Same members appeared as in the morning.

ed the examination of witnesses from Sussex County.

lliam Polk appeared, represented to the House that children was very ill, which had occasioned his delay, the excuse of the House for that reason. He is thereed.

ed to 10 o'clock to-morrow morning.

TUESDAY, 11th Nov., A. M.

met. Continued the examination of witnesses from unty.

ed to three o'clock this afternoon.

EODEM DIE, P. M.

met. Continued the examination of witnesses from unty.

hua Polk was now admitted to take and subscribe the cribed by the Constitution, and to take his seat in a sitting member until Council shall decide upon the the election for the County of Sussex.

adjourned to 10 o'clock to-morrow morning.

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WEDNESDAY, 12th November, A. M.

Council met. Present all the members.

Continued the examination of witnesses from Sussex County.

Adjourned to three o'clock this afternoon.

POST MERIDIAN.

Council met. Present the same members.

Proceeded to examine witnesses from Sussex County.

Council adjourned to 9 o'clock to-morrow morning.

THURSDAY, 13th November, A. M.

Council met. Present same members as before.

On motion, that Council go into the consideration of the Kent petition at 4 o'clock this afternoon, it was thereto agreed.

Adjourned until 4 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

The petition from Kent County respecting the annual election of that county, and the testimony respecting the same, was taken

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ideration, and the debate upon the same was further
l until to-morrow.

adjourned to 9 o'clock to-morrow.

FRIDAY, November 14, A. M.

uncil met according to adjournment, and adjourned to
P. M.

EODEM DIE, P. M.

met. Present all the members.

w the Council resumed the consideration of the petition
t County, praying that the election had on the first day
r last should be set aside, together with the testimony
and heard by the Council to the same election.

ereupon the Council resolved unanimously as follows,

t no evidence whatsoever hath been given to support
e that one of the Inspectors changed a vote delivered to
elector.

t no evidence hath been given that any Inspector did
t such particular men should be carried, but one in-
o wit: Samuel Wilson, of Duck Creek Hundred, did
tly say that a parcel of tickets which he held in his hand
would go, declaring they were good whig votes. That
on was in liquor at time.

t as to the charge that a number of non-jurors and per-
rwise disqualified to vote were admitted to vote, it ap-

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pears, by the testimony of Joseph Meredith, that a James Maxwell should have told him that he had voted though he had not taken the oath of fidelity; and that it further appears as well by the said inspector Wilson's testimony as also by his list of voters at the said election that he (Wilson) received Maxwell's vote as a good vote, that Maxwell, although summoned to attend the Council, hath neglected so to do for the ascertainment of the fact of his being a non-juror, but that no other testimony was given of admitting other non-jurors or other disqualified persons to vote.

4. That no evidence whatsoever hath been given of administering the oath of fidelity to the State to any disaffected persons on the morning of the election.

5. That it appears by the evidence that about one or two o'clock in the morning of the 2d of October last, while the judges of the election were employed in reading off the received votes out of the box into which all the votes had been put and mixed, a person by the name of Conner did forcibly take and carry off the said box containing in it the remaining uncounted votes or tickets.

6. That it appears by the evidence that one of the polls or tallies, kept by John Pearce (one of the appointed clerks) containing the number of votes for Counsellor and Assemblymen was taken up by Judge Collins and saved from an attempt made by a James Frazer to seize it. That the same was in Judge Collins' sole possession for about ten minutes, after which he delivered it to the Sheriff and inspectors. That the other poll for Counsellor and Assemblymen was in the sole possession of the Sheriff, he taking up from Mr. Stout, the other clerk, upon the seizing and carrying off the box. That at the same time one of the polls or tallies kept of the votes for the candidates for Sheriff and Coroner's office was taken up and secured by George Cummins, the under-Sheriff, and by him immediately delivered to the Sheriff. That the other poll or tally for Sheriff and Coroner was seized and carried off by a certain Isaac Griffin, of Duck Creek Hundred. That upon the examination and comparison immediately made after the return of Judge Collins of the two polls or tallies for Counsellor and Assemblymen the number tallied off in each of these two polls corresponded.

7. That it appears, as well by verbal testimony as by the lists

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s kept by the clerks appointed for that purpose, that number of the votes or tickets received at the said out into the said general box, amounted to seven hun- fifty, and the number of the said tickets read off from ox amounted to six hundred and sixty-seven.

t it appears by the tesiimony and lists last aforesaid, as ne Sheriff's, inspectors' and freeholders' indenture, re- this House, that Cæsar Rodney, Esquire, the candidate cant seat, in the County of Kent, in this present year, eturned member, had six hundred and sixty-five votes d number so read off.

t it appears by the evidence that the other two votes persons ineligible, to wit: Thomas Collins, Esquire, ice of the Common Pleas, and Richard Bassett, Es- eady a member of this House.

at it appears by the evidence that several persons' nexed to the said petition, particulalry those of Samuel noch Jones and Alexander Worknot, were not subscri- emselves or by their order.

at it appears by the evidence that Isaac Griffin, whose nnexed to the said petition, conducted himself in a very ng, disorderly manner during the time the said votes ing off, in the presence of the judges of the election, his conduct immediately on Conner's taking the box, e Council to believe he was privy to Conner's intention it.

at it appears by the evidence that one other of the s, Thomas Cummerford, had knowledge of such an eing to be made, before it was carried into execution.

ereupon it was unanimously adjudged by the Council r Rodney, Esquire, the returned member of this House unty of Kent, this present year, was duly elected.

ion, ordered

e consideration of the petition and remonstrance, com- f irregularity in conducting the last general election of unty, be taken up at the meeting of Council to-morrow

adjourned to 10 o'clock to-morrow morning.

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SATURDAY, November 15th, A. M.

Council met. Present all the members.

Agreeable to the order of the day, Council went into the consideration of the petition and remonstrance concerning the irregularity of conducting the last general election of Sussex County, and praying that writs for holding a new election in that county may be directed, or such other measures for restoring the just rights and liberties of the people, preserving them forever inviolate, redressing their present and preventing future grievances, as may be most conducive and effectual to that important end, and after some time spent thereon, adjourned to three o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present all the members, except Mr. Joshua Polk.

And now the Council resumed the consideration of the petition and remonstrance from Sussex County, together with the testimony produced and heard by the Council relative to the last general election held for that county, and after some time spent therein,

On motion, the following questions were put, viz:

1. Whether the fact alleged in the petition from Sussex, complaining that the petitioners, who had lately taken the oath of fidelity to the State, producing a voucher to the Justice at the time, were refused to vote at the general election, for that the vouchers had not been sworn, appears to be proved to the satisfaction of this House?

Passed in the affirmative unanimously.

2. Whether the Inspectors refusing the said votes were warranted by law in so doing?

Passed in the negative.

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ion, that the yeas and nays should be entered on this
t was ordered accordingly, and they are as follows, viz:

affirmative—Mr. William Polk, Mr. Collins.

negative—Mr. Read, Mr. Baning, Mr. Bassett, Mr.
gh, Mr. Grantham.

ether the fact alleged in the said petition, that some of
nspectors refused the votes of persons under age at the
assing the law for the further security of the Govern-
May, 1778, and who had taken the oath of fidelity to
after three months from their coming of age, without
a voucher, appears to be proved?

In the affirmative unanimously.

ether such Inspectors were warranted by law in so

In the negative.

ion, yeas and nays on this question ordered:

affirmative—Mr. Collins.

negative—Mr. Read, Mr. Baning, Mr. Polk, Mr. Bas-
McDonough, Mr Grantham.

rst. Respecting the remonstrance from Sussex County:
the fact alleged in the remonstrance from Sussex Coun-
ining that a number of officers and soldiers, lately in
the Continent, and also one of the Inspectors and his
eared at the general election with swords, bayonets and
that said officers and soldiers uttered many menacing
o terrify the electors, and actually committed a most
d outrageous riot in beating and abusing several per-
also in beating and abusing a Constable, in the exe-
his office, who commanded the peace, and others, by
ereof many electors rode out of town without voting,
be proved to the satisfaction of this House?

n the affirmative.

ion, ordered that the yeas and nays on this question be

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For the affirmative—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

For the negative—Mr. William Polk, Mr. Collins.

2d. Whether the fact alleged in the said remonstrance that several boys and persons under age were permitted to vote at the said election, appears to be proved to the satisfaction of this House?

Passed in the affirmative.

On motion, the yeas and nays on this question ordered:

For the affirmative—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

For the negative—Mr. William Polk, Mr. Collins.

3d. Whether the fact alleged in the said remonstrance that some persons, who had taken the oath of fidelity lately, by producing a voucher to a Justice of the Peace without the voucher being first sworn, were permitted to vote at said election, and others, who had taken the said oath of fidelity in the same manner, were not permitted to vote, appears to be proved to the satisfaction of this House?

Passed in the affirmative.

On motion, the yeas and nays on this question ordered:

For the affirmative—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

For the negative—Mr. William Polk, Mr. Collins.

4th. Whether the fact alleged in the said remonstrance that some persons, who were under age at the time of making the law for the further security of the Government, and had taken the oath of fidelity after the expiration of three months from the time of their coming of age, were permitted to vote at the said election, and others, circumstanced in the same manner, were not permitted to vote, appears to be proved to the satisfaction of this House?

Passed in the affirmative unanimously.

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AS it appears to this House, from the testimony deliv-
ne petition and remonstrance aforesaid, that some of
ctors, who joined in certain rules for governing their
s to the receiving of votes, conducted that business in a
ifferent from those rules and different from the other
; therefore

d, That the said election, held on the first day of Octo-
vas not freely, legally, and indifferently made, and it is
by the Council, that Joshua Polk, in the indenture re-
the Sheriff, Inspectors, and Freeholders of the said
s elected in the present year, for Sussex County, by a
of such votes, as the Inspectors of the several Hun-
the said County of Sussex, or a majority of them, ad-
e legal votes, was not legally elected.

ion, the yeas and nays on this resolution ordered:

affirmative—Mr. Read, Mr. Baning. Mr. Bassett, Mr.
gh, Mr. Grantham.

negative—Mr. William Polk.

lins, not being decided on this question, did not vote.

ion, the question was now put,

r an order of the House should be now made for issu-
or a new election in the County of Sussex for a member
gislative Council in the room of Joshua Polk, Esquire,
ction has been determined illegal?

n the negative.

ion, the yeas and nays on this question ordered:

affirmative—Mr. William Polk, Mr. Collins.

negative—Mr. Read, Mr. Baning, Mr. Bassett, Mr.
gh, Mr. Grantham.

e following accounts were allowed:

norable Cæsar Rodney, Esquire, Speaker,
s attendance, ... £ 18 18 0
e Read, Esquire, for ditto and mileage, . . 17 12 6
Grantham, Esquire, for ditto, ... 16 7 6

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To Thomas McDonough, Esquire, for attendance and mileage,	£	15	10 0
To Richard Bassett, Esquire, for ditto,		9	7 6
To John Baning, Esquire, for ditto,		9	12 0
To William Polk, Esquire, for ditto,		10	1 0
To John Collins, Esquire, for ditto,		8	13 0
To Joshua Polk, Esquire, for ditto,		6	12 0
To James Sykes, Esq., Clerk of the Council,		24	0 0
To James Newnam, Sergeant-at-Arms,		60	0 0
To Stephen Alston, Deputy Sergeant-at-Arms,		13	14 6
To Mrs. Elizabeth Battell, for the use of a room, fire-wood and candles,		12	0 0

Then the Council adjourned to the 5th January next.

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NUTES OF COUNCIL.

JAN.--OCT., 1784.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSIONS, 1784.

JANUARY 5th, 1784.

The members of the Council for the County of Kent attended, but there not being a sufficient number from the other Counties to make a quorum, no business could be proceeded on.

On the 13th January, the following notification was delivered by the Speaker of the House of Assembly to the Speaker of the Council, to wit:

DELAWARE STATE,

IN THE HOUSE OF ASSEMBLY, January 13th, 1784.

WHEREAS from the particular situation of some of the absent members of this House, it is impracticable to proceed at this time in the decision of the controverted elections for the Counties of Kent and Sussex; it is therefore

Resolved, That this House adjourn, and it is hereby adjourned to Monday the 29th day of March next.

ROBERT BRYAN, *Speaker*.

For the HONORABLE CÆSAR RODNEY, Esq., *Speaker of Council.*

Thereupon the Council adjourned until Monday, March 29th, next.

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THURSDAY, April 8th, 1784.

A sufficient number of the members not having met to form a quorum on the 29th of March (the day to which the Council stood adjourned), those in attendance adjourned from day to day until Thursday, the 8th of April, when there appeared as follows:

For New Castle County—Isaac Grantham, Thomas McDonough.

For Kent County—Richard Bassett, John Baning.

Who met at the house of the Honorable Cæsar Rodney, Esq., the Speaker, he being too much indisposed to attend at the usual place of meeting.

Mr. Molleston, a member of the House of Assembly, attending, was admitted and delivered at the table a letter from the President of Congress, inclosing a resolution of that honorable body respecting the appointment of Delegates from this State to Congress; also a message and resolution of their House proposing that the General Assembly should meet forthwith, in the Council Chamber, to put in nomination persons to be balloted for to represent this State in Congress, which resolution follows in these words:*

On motion, ordered,

That a message from the Council to the House of Assembly, on the foregoing resolution of their House, be drawn up at the table, which being done, Mr. Grantham is ordered to wait on the House of Assembly and deliver the same; which was done accordingly, and follows in these words:

A MESSAGE FROM THE COUNCIL TO THE HOUSE OF ASSEMBLY.

Gentlemen:

The Council received your message of this forenoon, and beg leave to suggest to your honorable House, previous to their transacting any business, that they conceive, as one of the Coun-

* This paper does not appear on the record.

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is State is unrepresented in Council, they therefore
l an impropriety in doing business until that represen-
ad. However, as Council is disposed to do every thing
ower that may be thought to tend to promote the weal
iness of their constituents, therefore, if your House
under present circumstances, that legislative business
nsacted with propriety, they will not retard the same,
eet your House forthwith, as is proposed.

h, 1784. CÆSAR RODNEY, *Speaker.*

ber of the House of Assembly, attending, was ad-
d informed the Council that the House of Assembly
going on the business proposed in their message, and
a meeting of both Houses for that purpose.

being agreed to by Council, both Houses met in the
Chamber, and the following gentlemen were put in
n for Delegates to Congress for this State: John Mc-
q., Thomas Rodney, Esq., Henry Latimer, Esq., John
sq., James Tilton, Esq., William Killen, Esq., Gunning
un., Esq., John Thompson, Esq., Samuel Patterson,
rles Ridgely, Esq.

, That both Houses proceed to ballot immediately;
ng done, and the box containing the tickets examined
eakers of both Houses, and the votes taken down by
, it appeared that the following gentlemen were chosen
rity of votes, viz: John Vining, John McKinly, Henry
nd Thomas Rodney, Esquires, and they were declared
ed.

embers of the House of Assembly having withdrawn
Council Chamber, on motion,

, That the Speaker shall issue his writ for holding an
the County of Sussex for electing a member of Council
unty in the room of Joshua Polk, whose election, on
ay of October last, had been by Council declared void,
ne as the Speaker shall think proper.

adjourned to 10 o'clock to-morrow morning.

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FRIDAY, April 9th, A. M.

Council met. All the members present who attended yesterday.

Mr. James, a member of Assembly, attending, was admitted and delivered to the Chair a report of the Auditor of Accounts, representing that there was due to Thomas Montgomery the sum of £3 : 18, for getting certificates printed for the use of the Auditors for settling the depreciation of the pay of the Delaware Regiments; and that there was due to James Adams, for printing, contracted for by John James and Thomas Kean, Esqrs., for the use of the State, the sum of £68 : 7 : 6, with orders drawn in favor of those persons, and signed by the Speaker of Assembly, and sent to Council for concurrence; which, being read, was agreed to, and the orders signed by the Speaker of Council.

Mr. Grantham delivered at the Council table certain resolutions of the House of Assembly, respecting the commissionating the members appointed to represent this State in Congress, and ascertaining their allowance, and certain resolutions of the said House for the payment of public debts (which had been delivered to him by Mr. Douglass, a member of Assembly); which being acted upon by the Council, was concurred in.

Then the Council allowed the following accounts:

To the Honorable Cæsar Rodney, Esq., Speaker, 12 days' attendance,	£ 10 16 0
To Thomas McDonough, Esq., 6 days' attendance and mileage,	5 5 0
To Isaac Grantham, Esq., for 4 days' attendance and mileage,	4 10 0
To James Sykes, Clerk, for his attendance,	5 0 0
To James Newnam, Sergeant-at-Arms, for attendance and riding express to New Castle,	5 6 6
To Thomas Black, for ringing the bell,	1 17 6
Total,	£32 15 0

Then the Council adjourned to the 24th of May next, agreeable to a written intimation, directed to the Speaker of Assembly, that that House had adjourned to that time.

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MONDAY, 24th May, 1784.

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Tuesday, the 15th of June, when all the members met, except the Hon. Cæsar Rodney, Esq., Speaker, and Richard Bassett, Esq.

The Council—*

* Thus closes the record of the May session.

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MINUTES

OF THE

LEGISLATIVE COUNCIL

OF

THE DELAWARE STATE,

HELD AT DOVER, WEDNESDAY, OCT. 20TH, 1784.

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Monday, the 25th of the same month, when there appeared as follows:

For New Castle County—George Read, Thomas McDonough, George Craghead.

For Kent County—Richard Bassett, Vincent Loockerman, Silas Snow.

For Sussex County—Henry Neill.

And the said members being so met in Council, certain indentures, certifying the election of George Craghead, Esq., a member of Council for the County of New Castle; and Vincent Loockerman, Esq., a member of Council in the room of Cæsar Rodney, Esq., dec'd, and Silas Snow, Esq., one other member, both for the County of Kent; and Henry Neill, Esq., a member of Council for the County of Sussex, were respectively produced and read, whereby it appeared to the Council that they were severally duly elected to represent the said Counties as members of the Legislative Council of the Delaware State, at the last annual election held in the said Counties of New Castle, Kent and Sussex, on the first day of this instant, October, for three years next ensuing the said election.

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ouncil proceeded to the choice of a Speaker, and the e Thomas McDonough was unanimously chosen.

embers elected this present year took the oath pre- y the Constitution and subscribed the declaration of ein required. [*See note on page 10.*]

tion, Messrs. Read, Bassett and Craghead are appointed tee to wait on his Excellency, the President, and inform Council had met, chosen their Speaker, and were ready d on business, and desire to know if his Excellency had y before them.

Messrs. Snow and Loockerman are appointed a com- wait on the House of Assembly and inform them that were ready to receive and act upon any business that ay have to present.

gentlemen, being returned, do report—the former, that waited on his Excellency, the President, and delivered age committed to them, according to order, and that leased to say that he had sent a message to the House bly, which in due time would come before the Council; , that they had waited on the House of Assembly, had the message committed to them, and were informed by e that a message would be sent to Council in a short

shua Polk, a member of Council for Sussex County, now in the House and took his seat.

xon, a member of Assembly, attending, was admitted ered to the Chair a resolution of that House, which, by ing read, follows in these words:

IN THE HOUSE OF ASSEMBLY,
MONDAY, P. M., Oct. 25, 1784.

tion,

ed, That Mr. Nixon wait on the Council and propose hat both Houses of the General Assembly meet in the Chamber, to-morrow at eleven o'clock in the forenoon, nomination persons to be balloted for as Delegates to this State in the Congress of the United States of from the first day of November next ensuing until the

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first day of November in the year one thousand seven hundred and eighty-five.

October 25th, 1784.

JAMES BOOTH, *Cl'k of the Assembly.*

Concurred in by Council.

JAMES SYKES, *Cl'k of Council.*

Ordered, That Mr. Joshua Polk wait on the House of Assembly with the above resolution, with the concurrence of Council thereunto;

Who, being returned, reported that he had waited on the House of Assembly and delivered the said resolution according to order.

On motion, the Rules of the Council, made and agreed to in the year 1776, were read.

On application of Mr. Bassett for leave of absence a few days to attend the Supreme Court of Sussex County, and the same being seconded, is granted, if Mr. Bassett should think his attendance there absolutely necessary.

Adjourned till 10 o'clock to-morrow morning.

TUESDAY, October 26th, A. M.

Council met. Present all the members.

Mr. William Polk now appeared and took his seat in Council.

Both Houses of the General Assembly, having now met in the Council Chamber, proceeded to put in nomination gentlemen for Delegates in Congress, agreeable to the order of the day, and the following gentlemen were put in nomination, to wit: Gunning Bedford, Jr., Esq., John Vining, Esq , Samuel Patterson, Esq., Thomas Rodney, Esq., Doctor James Tilton, Major John Patton,

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Killen, Esq., John Thompson, Esq., John Jones, Esq., omas Collins, Esq.

notion, that five persons should be chosen to represent te in Congress, and the question being put, it passed in ative.

otion, that four persons should be chosen for the purpose d, and the question being put, it passed in the affirmative.

otion,

ved, That both Houses meet at four o'clock this after- n the Council Chamber, to ballot for four Members of s, to serve from the first day of November next ensuing e first day of November in the year 1785.

the two Houses separated.

rned to 3 o'clock, P. M.

TUESDAY, 26th October, P. M.

il met. All the members present.

Houses of the General Assembly met again, agreeable to lution of the forenoon, and proceeded to ballot for Mem- Congress, and it appeared, upon casting up the votes, four following gentlemen were chosen by a majority of nd declared duly elected, to wit: John Vining, Gunning Jun., Doct. James Tilton, and Samuel Patterson, Esqs.

the two Houses separated.

il adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, October 27th, A. M.

il met. Present all the members.

rned to 3 o'clock, P. M.

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WEDNESDAY, October 27th, P. M.

Council met. Present all the members.

A petition, signed by Bertles Shea, a prisoner in the jail of Dover, representing that he is confined in the said jail at the suit of Messrs. Hugh Lennox and Company, merchants in Philadelphia, for the debt of £450, which, with divers other large debts, he is become unable to pay; that he is willing to assign all his property, real and personal, whatsoever and wheresoever, to the use of his creditors, and prays that he may be relieved from his imprisonment upon such terms and conditions as the General Assembly shall think meet, was read.

Mr. Broom, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill entitled "A supplementary act to the act entitled 'An act for the more easy and speedy recovery of small debts, accompanied with sundry petitions, signed by a great number of the inhabitants of New Castle County, and one petition, signed by some inhabitants of Sussex County, praying the jurisdiction of the Justices of the Peace within this State may be extended to determine debts for all sums not exceeding fifteen pounds.

On motion, ordered that the same be read; which was done accordingly.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, October 28th, A. M.

Council met. Present all the members.

On motion, the bill entitled "A supplement to an act for the more easy and speedy recovery of small debts," was read a second time.

Mr. Mitchell, a member of the House of Assembly, attending,

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nitted and delivered to the Chair a bill entitled "An act relief of Bertles Shea, a languishing prisoner in the jail County," accompanied with a petition, signed by the tles Shea, in the same words of the petition read yester- Council.

otion,

onsideration of the supplementary bill above mentioned ed to a committee of three, to wit: Messrs. Bassett, Read ll, who are to report the amendments therein suggested ade by Council.

il adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

il met. Present all the members.

otion, the bill for the relief of Bertles Shea was read.

aylor, a member of the House of Assembly, attending, nitted and delivered to the Chair a bill entitled "An act ase the daily allowance of Grand and Petit Jurors," ac- ied with a petition, signed by sundry inhabitants of New County, praying that some reasonable allowance may be r the expenses of jurymen while in attendance upon that These papers were read.

otion,

ved, That a committee of three be appointed to bring in a he devising of the means of supplying the several offices tate with public seals to authentic the acts of office where ls are necessary to be annexed, as well with respect offices whose seals have heretofore been taken by the as others the devices of which seals may not be incon- to the independency of the State.

eupon Messrs. Read, William Polk and Snow were ap- a committee for that purpose.

II

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Mr. Broom, a member of the House of Assembly, attending, was admitted and delivered to the Chair a message from his Excellency, the President of this State, accompanied with three letters from the Financier, of the 26th May, 14th June, and 12th October, 1784, and a letter from the Committee of the States, of the 2d August, 1784, with the ratification of the definitive treaty; which, by order, was read, as follows:

Gentlemen of the General Assembly:

The Secretary will lay before you sundry public letters, which I have received since the last meeting of the late General Assembly, to wit: One of the 2d of August last, from the Committee of the States, accompanied by a copy of the ratification of the definitive treaty of peace on the part of his Britannic majesty, exchanged with that on the part of the United States of America on the 10th of May last, at Passy. On the final accomplishment of this important and interesting business, I take this early opportunity of presenting you my most hearty congratulations—an event which has placed these United States in the possession of liberty and independence, and secured to them a rank among the nations of the earth. The recollection of the unequal and arduous struggle lately endured by America, for the attainment of these important blessings, must call forth the most sincere gratitude to the Wise Disposer of human events, and kindle in the breast of every American a warm attachment to that illustrious ally who, from a wise and generous policy, exerted his national strength for our defence and support. Virtue, and a wise and just policy, will, I hope, in future, render us as illustrious in peace as we have been in war, and enable us as a nation to enjoy the extensive privileges and blessings tendered to us and our posterity by our present situation.

One of the 17th of the same month, from Thomas Barclay, Consul-General of these States, at Paris, with the *arret* of his Most Christian Majesty confirming the privileges which the ports of Dunkirk and Marseilles have for some time enjoyed, and for establishing l'Orient and Bayonne as free ports.

Two from the Financier-General and Mr. Purnel, on the subject of the recovery from individuals of debts due, and effects belonging to the United States. I thought it my duty to inform Mr. Morris that such provision had been made by the Legislature of this State, and that Congress had been furnished with the

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consequence thereof I received his answer of the 14th
ast.

f the 21st of last month from the State Treasurer, re-
his appointment, under a late law to issue a certificate for
due on monies loaned, and liquidated debts. I have
ormed by that gentleman that he cannot transact the
no provision being made for a clerk, either by Congress
egislature; and lest the good people of the State might
d, I wrote Mr. Morris on the subject, in order that that
might be speedily removed. By his answer, of the 12th
you will perceive the business is yet at a stand, and as
ty Collectors are now in the execution of the duty as-
nem, unless the Legislature adopt some mode for certifi-
issue, the taxables who are entitled to them will be more
d in payment of their taxes than is just, or was expected
te General Assembly.

men—As the public dispatches now laid before you will
but a small share of your time, the remainder of it, I am
d, will be devoted to an attention to the necessary and
t objects of the internal concerns of the State. Among
y interesting matters which will claim your attention, I
y point out the following: a law for establishing a militia
is State, which is the most natural and secure defence of
public, and is with great propriety and justness of senti-
oposed and urged by our late worthy Commander-in-
his memorable valedictory address; a proper regulation
ncouragement and introduction of trade; a law provid-
ne naturalization of foreigners who may come among us;
dequate provision to secure the inhabitants of the State
ury by sickly crews being landed; an amendment to the
node of taxation; a regulation of water grist-mills, and a
n and publication of the laws of the State.

NICHOLAS VANDYKE.

, October 23, 1784.

rned to ten o'clock to-morrow morning.

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FRIDAY, October 29th, A. M.

Council met. Present all the members.

Mr. Bradley, a member of the House of Assembly, attending, was admitted and delivered to the Chair a resolution of that House signifying their intention to adjourn to-morrow evening to some future day.

The committee appointed to prepare amendments to the supplementary bill to the act entitled "An act for the more easy and speedy recovery of small debts," now reported that they had essayed a draught of sundry amendments to the said supplementary bill, which they laid on the table and submitted to the consideration of the House.

On motion, ordered that the said amendments be read; which was done accordingly.

On the question, "Whether the enacting clause in the amendment that the fees of office should be applied to the use of the poor in the respective hundreds where the Justice resides?" it passed in the affirmative.

On motion, the yeas and nays on the foregoing question were ordered, and are as follows:

For the affirmative—Mr. Neill, Mr. William Polk, Mr. Bassett, Mr. J. Polk, Mr. Loockerman.

For the negative—Mr. Read, Mr. Craghead, Mr. Snow.

The several amendments reported by the committee being agreed to, ordered that they be transcribed.

Adjourned to 4 o'clock, P. M.

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EODEM DIE, P. M.

Council met. Present all the members.

On motion,

Ordered, That Mr. Craghead wait on the House of Assembly and deliver the supplementary bill to the act for the more easy and speedy recovery of small debts, with the paper of amendments proposed thereto by the Council, for the concurrence of that House.

Mr. Craghead, being returned, reported that he had delivered the said bill and amendments of Council according to order.

On motion, ordered

That the bill entitled "An act to increase the daily allowance to Grand and Petit Jurors," should have a second reading, which was done accordingly, and is referred to further consideration.

On motion,

The bill entitled "An act for the relief of Bertles Shea, a languishing prisoner in the jail of Kent County," was read a second time, and some amendments being proposed and made at the table, on motion,

Ordered, That Mr. Wm. Polk wait on the House of Assembly with the said bill and amendments, for concurrence of that House.

Mr. Smith, a member of the House of Assembly, attending, was admitted and delivered to the Chair a letter from Samuel Patterson, Esq., resigning the office of Continental Loan Officer for the Delaware State; resolutions of the House of Assembly respecting the issuing certificates for interest due on Continental Debts; a resolution for the payment of £3 to William Manlove, reported to be due to him by the Auditor for a musket and cartooch box; which, by order, were severally read. The resolutions, founded on the letter above mentioned, are as follows:

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IN THE HOUSE OF ASSEMBLY,
FRIDAY, A. M., October 29, 1784.

WHEREAS it appears by letter from Samuel Patterson, Esq., the Continental Loan Officer of this State, that he desires leave to resign the trust assigned to him by an act of the Assembly of this State, entitled, "An act for raising twenty-three thousand six hundred and twenty-five pounds for the service of the year one thousand seven hundred and eighty-four," so far as the same relates to giving certificates for interest due on monies loaned to Congress and liquidated debts against the United States, which which resignation the General Assembly cannot accept; but, in order to make the business as easy to Mr. Patterson as the nature of it will admit, and to accommodate it to the ease and convenience of the inhabitants of the several counties of this State,

Resolved, That Samuel Patterson, Esq., Continental Loan Officer of this State, be, and he is hereby requested to appoint a deputy in each of the Counties of Kent and Sussex; which deputies, when so appointed, are hereby declared to have the same powers to issue such certificates in the name of the said Samuel Patterson, as the said Samuel Patterson hath by the above recited act of Assembly.

That the said Samuel Patterson transmit to his said deputies in the Counties of Kent and Sussex, true copies of his instructions from the Superintendent of the Finances of the United States, on the subject of issuing the certificates for interest due as aforesaid, together with a written form of such certificates, for their government and direction in performing that business.

That in case the United States, in Congress asembled, do not make a reasonable compensation to the said Samuel Patterson and his deputies, for their trouble in performing the aforesaid service, that this State will make such compensation for the same as the General Assembly shall deem reasonable and just.

JAS. BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

Adjourned to ten o'clock to-morrow morning.

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SATURDAY, October 30th, A. M.

Council met. Present all the members.

Mr. William Polk reported having delivered the bill for the relief of Bertles Shea to the House of Assembly according to order.

Mr. Revell, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill entitled "A supplement to the act for the more easy and speedy recovery of small debts," with the amendments proposed by Council thereunto, and to many parts of which the House of Assembly had disagreed, and amendments proposed by the House of Assembly to those of Council.

On motion, Council resumed the consideration of the bill for enlarging the allowance to the Grand and Petit Jurors, and after some time spent therein, the same is referred to further consideration.

The letter from Samuel Patterson, Esquire, Continental Loan Officer, with the resolutions of the House of Assembly thereupon, were, by order, read the second time.

On motion, the question was put, "Shall the resolutions of the House of Assembly, founded on the letter of Samuel Patterson, Esq., be rejected?" and it passed in the affirmative unanimously.

On motion, ordered,

That a committee of three be appointed to propose certain resolutions of Council respecting the subject of the letter of Samuel Patterson, Esq.

Whereupon Mr. Bassett, Mr. Read, and Mr. Snow are appointed a committee for that purpose.

Council then took into consideration their amendments on the supplementary bill, &c.

On motion, the yeas and nays on the last clause but one in the supplementary bill to the act for the more easy and speedy recovery of small debts, concerning the duties of the Justices on

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the said supplementary bill being done without fee or reward, the same were ordered, and are as follows:

For the affirmative—Mr. Neill, Mr. W. Polk, Mr. Loockerman and Mr. Bassett.

For the negative—Mr. Read, Mr. Craghead, Mr. Snow and Mr. J. Polk.

And Council being thus divided on the question, the Speaker gave his voice in the affirmative, and it passed that the said clause should be retained.

Adjourned to 3 o'clock, P. M.

SATURDAY, October 30th, P. M.

Council met. Present all the members.

On motion, ordered,

That Mr. Neill wait on the House of Assembly with the supplementary bill to the act for the more easy and speedy recovery of small debts, with the amendments of Council, which had been returned by that House, many of them disagreed to by the same, and the amendments proposed by the Assembly to those of the amendments of Council, and inform the House of Assembly that Council adhered to their several amendments, except the last, from which they had receded, and that Council disagreed to the amendment of the House of Assembly on one of the amendments proposed by Council.

Mr. Neill, being returned, reported that he had delivered the bill and amendments last mentioned to the House of Assembly, according to order.

On motion, the report of the Auditor of Accounts respecting the sum of £3 being due to William Manlove, and the resolution of the House of Assembly thereon, was read a second time and concurred in by Council.

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Ordered, That the Speaker sign the order drawn in favor of said William Manlove, sent with the above mentioned papers; which was done accordingly.

On motion, ordered,

That Mr. Snow deliver the said order to the House of Assembly; who, being returned, reported that he had delivered the same according to order.

Mr. Broom, a member of the House of Assembly, attending, was admitted and delivered to the Chair the supplementary bill to the act for the more easy and speedy recovery of small debts, with the amendments returned to that House and adhered to by Council, with a paper of a further amendment proposed by the Assembly, and a verbal message, which, being read, follows in these words:

A VERBAL MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

Gentlemen:

This House have fully considered the amendments proposed by your honorable House to the supplementary bill for the more easy and speedy recovery of small debts, and still continue to reject such of the said amendments as were before disagreed to by this House and adhered to by the Council, and have also proposed a further amendment. This we have done upon full conviction that acceding to those amendments will not be productive of utility in framing the bill; and altho' we conceive this law to be a very beneficial one, and much desired by our constituents, yet, if the Council cannot recede from the aforesaid amendments, we can only lament the loss of an act salutary to the good people of this State.

Upon reconsideration of Council on their amendment on the quantam of the sum from ten to twelve pounds in the said supplementary bill mentioned, the Council, on the question, receded from their amendment thereon, but adhered to the other several amendments by them proposed.

On motion, the question was put, "Shall a committee be appointed to prepare and bring in a message to the House of Assembly, therein giving the reasons of Council for their ad-

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herence to the several amendments proposed by them to the supplementary bill last mentioned, except that receded from by Council?" It was carried in the affirmative.

Committee: Mr. Bassett, Mr. Wm. Polk, and Mr. Neill.

Mr. Read craved leave of absence after this evening, which is granted.

The committee appointed to prepare and bring in certain resolutions concerning the resignation of Samuel Patterson, Esq.. of his office of Continental Loan Officer of this State, now reported that they had essayed a draught for that purpose, which they submitted to the correction of the House.

On motion, ordered that the same be read.

By special order, the same was read a second time, agreed to, and ordered to be transcribed, and sent to the House of Assembly for concurrence.

The report aforesaid being transcribed and compared, ordered that Mr. Neill wait upon the House of Assembly therewith; who, being returned, reported he had delivered the same according to order.

Mr. Douglass, a member of Assembly, attending, was admitted and delivered to the Chair the bill for the relief of Bertles Shea, to which that House had agreed, with the amendments proposed by Council, with a resolution to affix the Great Seal thereunto, to which Council concurred, and the Speaker, by order, signed the said bill.

Mr. Taylor, a member of Assembly, attending, was admitted and delivered to the Chair the report of the committee of Council on the letter of General Patterson, disagreed to by that House.

The committee appointed to prepare a message from the Council to the House of Assembly, assigning their reasons for adhering to their amendments proposed to the supplementary bill to the act for the more easy and speedy recovery of small debts, now reported that they had essayed a draught for that purpose, which they submitted to the correction of the House.

Ordered that the same be read; which was done accordingly.

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and after some amendments, was agreed to, and ordered to be transcribed.

The transcribed message was read and compared, and ordered to be signed by the Speaker.

Before any further proceedings could be had, notice was given that the House of Assembly had adjourned to the first Monday in January.

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MINUTES OF COUNCIL.

JAN.—OCT., 1785.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

MONDAY, 3d January, 1785.

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Friday, the 7th of the same month, when there appeared, as follows:

For New Castle County—Thomas McDonough, Speaker, Geo. Craghead.

For Kent County—Richard Bassett, Vincent Loockerman, Silas Snow.

On motion. ordered,

Upon the question, that the message to the House of Assembly that was prepared by Council on the close of the last sitting, and could not be delivered on account of the sudden adjournment of that House, should be sent on the first meeting of that House, together with the bill on which the subject matter of that message is founded, and the amendments proposed by Council thereto, &c.

Ordered, That Mr. Snow deliver the same.

On motion, for leave to bring in a bill for reviving an act of Assembly of the late Government entitled "An act for the appointment of rangers and regulating strays," as the same has been some time expired, and had been beneficial heretofore to the good people of this State.

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Ordered, upon the question, that leave be given to bring in such a bill.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present same members.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, January 8th, A. M.

Council met. Present the same members.

A bill entitled "An act for reviving an act entitled 'An act for the appointment of rangers and regulation of strays,'" was now delivered to the Chair, and, by order, read the first time.

Ordered to lie on the table.

On motion, the bill concerning rangers and strays, was read a second time.

Ordered, That the said bill be passed, transcribed and sent to the House of Assembly, for concurrence, and that Mr. Craghead deliver the same.

Adjourned to Monday morning, 10 o'clock.

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MONDAY, January 10th, A. M.

Council met. Present the same members.

Mr. Craghead now informed Council that he had delivered the bill concerning rangers and strays to the House of Assembly, agreeable to order.

Mr. Snow also reported that he had delivered to the Speaker of the House of Assembly, on Saturday last, the papers committed to his charge, that House being not competent to do business at that time for want of a sufficient number to form a quorum.

On motion being made and seconded, that leave be given to bring in a bill obliging executors to give security for the faithful performance of the trust in them reposed, and upon the question, it passed in the affirmative.

Mr. Bassett therefore laid on the table a bill for that purpose.

Ordered that the same be read; which was done accordingly, and laid on the table.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, January 11th, A. M.

Council met. Present the same members, and Mr. William Polk, who appeared at this meeting.

On motion, a petition, signed by Simon Wilmer Wilson and Peter Barclay Ferry, representing the injury they had sustained by the capture of a schooner, part whereof belonged to them, and of the great expense by them incurred in paying the salvage to those who had afterwards retaken her, &c., and desiring relief in

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the premises, accompanied with their accounts of expenditures on that occasion, and the Auditor's report thereon, were read the first time.

Ordered to lie on the table.

On motion, a remonstrance, signed by John Baning, Treasurer of Kent County, representing that in consequence of certain resolutions of the General Assembly of the 9th April, 1784, for the payment of one year's interest due on the certificates of the officers, non-commissioned officers and soldiers of the Delaware Regiment, the officers of the Hospital and Medical Departments, and such other officers, non-commissioned officers and soldiers as are credited to this State in its quota of land forces, and others, that the same resolutions directed and empowered the President and Commander-in-Chief to draw his order on the State Treasurer for the payment of £7500 to the Treasurer of New Castle County, for the sum of £4000 to the Treasurer of Kent County, and for the sum of £1500 to the Treasurer of Sussex County, to enable them to discharge the public debts due as aforesaid; in consequence of which the President did draw an order, bearing date the 21st of April last, on the said State Treasurer for the payment of £4000 of the public money in his hands to the remonstrant, John Baning, Treasurer as aforesaid, to be applied according to the directions of the General Assembly, in their resolutions aforesaid.

That the remonstrant did not think it necessary to demand of the State Treasurer actual payment of the money mentioned in the said order of the President, as he presumed he should receive of the collectors of the different Hundreds of his County public money of their collections sufficient to discharge the debt aforesaid as fast as they should be demanded and that he has found in the actual performance of the duty enjoined him his presumption well grounded.

That the remonstrant did, immediately on the receipt of the said order and resolutions, begin and hath continued to pay the several public debts aforesaid, in the order prescribed by the said resolutions, out of the several collections paid into the Treasury, until the receipt of a letter from Samuel Patterson, Esq., State Treasurer, dated the 5th December last, requiring the remonstrant, in the most peremptory and authoritative manner, not to pay or discount any debts without his particular order.

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That by reason of this *mandate* of the State Treasurer the remonstrant conceives he cannot safely continue to pay the residue of the said £4000 according to the resolutions aforesaid, nor answer any order or warrant of the General Assembly, or Commander-in-Chief, for the payment of money, unless the same shall be approved of and an order for the payment of the sums therein mentioned indorsed thereon by the said State Treasurer, as it must be presumed, from adverting to this prohibition, the said Samuel Patterson, the present State Treasurer, will not allow the remonstrant credit for such payments on the settlement of his accounts with him, and humbly praying the General Assembly to take his case into their serious consideration and provide ways and means to indemnify him for the payments he has already made in strict pursuance of the aforesaid resolutions, and give him their advice and direction how he is to demean himself in future, as County Treasurer, in respect to orders drawn upon him for the payment of money, either by the General Assembly, the Commander-in-Chief, or any other person or persons whatsoever, under color of any law now in force, except such orders as are drawn upon him by the said Samuel Patterson, as he has reason to apprehend that the payment of any others besides the latter will not be allowed to the credit of his accounts on settlement with the said Samuel Patterson.

Which remonstrance was accompanied with the resolutions of the General Assembly and the letter of Samuel Patterson above mentioned, and were severally read.

Ordered to lie on the table.

Council adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members who appeared in the morning, except Mr. Bassett, who had been in the House before the calling thereof, and had leave of absence for a few hours.

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On motion, the bill for raising the allowance of Grand and Petit Jurors, which was left under consideration at the last sitting of the General Assembly, was now again read.

Ordered to lie on the table.

Adjourned to ten o'clock to-morrow morning.

WEDNESDAY, January 12th, A. M.

Council met. Present the same members, and took into consideration the petition of Simon Wilmer Wilson and Peter Barclay Ferry, and the papers which accompanied it, and after some time spent therein, ordered, upon the question, that the said papers be delivered to the petitioners, and that they apply to Mr. Winder, and make such proofs to him of the justice of their claim as may be in his power.

On motion, the proposals of the House of Assembly for appointing conferees on the subject matter of the amendments to the supplementary bill to the act entitled "An act for the more easy and speedy recovery of small debts," which had been delivered to one of the members of Council in the evening of yesterday after Council had adjourned, by Mr. James, a member of Assembly, was now read, and follows in these words, viz:

IN THE HOUSE OF ASSEMBLY,
TUESDAY, P. M., Jan. 11th, 1785.

The House resumed the consideration of the bill entitled "A supplementary act to the act entitled 'An act for the more easy and speedy recovery of small debts,'" with the amendments proposed thereto and undetermined; and thereupon

Resolved, That it be proposed to the Council that a committee of conference be appointed by each House to confer on the subject matter of the said amendments.

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The conferees appointed on the part of this House are: Mr. Peery, Mr. Bedford, and Mr. Raymond.

Extract from the minutes.

JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

Which being read and agreed to by Council, the following gentlemen were appointed conferees on the part of the Council, to wit: Mr. Bassett, Mr. Craghead, and Mr. Snow; who are to meet the conferees on the part of the House of Assembly at any time and place that is most agreeable to them.

Ordered, That Mr. William Polk wait on the House of Assembly and return the proposals of that House respecting the appointment of conferees on the subject matter of the supplementary bill to the act for the more easy recovery of small debts, with the appointment of conferees on the part of the Council on that business.

Mr. Polk, being returned, reported that he had delivered the paper committed to his charge to the House of Assembly, agreeable to order.

On motion, ordered,

That the bill entitled "An act to increase the daily allowance of Grand and Petit Jurors," should be read by paragraphs, in the course of which sundry amendments were proposed and agreed to by Council.

Ordered, That the said bill, with the amendments proposed by Council, should be sent to the House of Assembly for concurrence.

Ordered, That Mr. Loockerman wait on the House of Assembly with the bill and amendments, &c.

On motion, ordered,

That the bill obliging executors to give security for the faithful performance of the trust in them reposed, be read a second time; which was done accordingly.

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On motion, and by order, the said bill was read the third time, by paragraphs, passed the House, is ordered to be transcribed, and sent to the House of Assembly for concurrence.

Council adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

Mr. Loockerman reported that he had delivered the bill and amendments committed to his charge to the House of Assembly.

On motion, for leave to bring in a bill to empower the President or Commander-in-Chief of this State to commissionate some proper person in the commission of the peace as President of the several Courts of Quarter Sessions of the Peace within this State, and for other purposes, therein mentioned, the same is granted, and Mr. Craghead therefore delivered at the table a bill for the purpose aforesaid.

On motion, ordered that the same be read; which was done accordingly.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, January 13th, A. M.

Council met. Present the same members.

The committee appointed to confer with a committee of the House of Assembly on the subject matter of the amendments proposed by Council to the supplementary bill to the act for the

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more easy and speedy recovery of small debts, do now report, that they had met the committee of the Assembly and come to an agreement as to several of the amendments, and had referred the residue to another conference.

Mr. Mitchell, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act to enable the owners and possessors of the meadow, marsh and cripple on Cedar Creek, in Red Lyon Hundred, in the County of New Castle, to erect a new bank in part and to keep the residue of the old bank, &c., in repair," accompanied with a petition of the owners thereof, and sundry advertisements giving notice of this application, &c.

The bill for obliging executors to give security, &c., being transcribed and compared,

Ordered, That Mr. Snow wait on the House of Assembly and deliver the same;

Who, being returned, reported he had delivered it to the Speaker, the House being not sitting.

Mr. Broom, a member of Assembly, attending, was admitted and delivered to the Chair the bill to increase the daily allowance of Grand and Petit Jurors, with the amendments proposed by the Council thereto, all of which the House of Assembly had agreed to, except the 7th, to which the House of Assembly proposed an amendment and an additional clause for the limitation of the said bill to three years, and from thence to the end of the next sitting of Assembly, and no longer.

The amendments of the House of Assembly to the amendments of the Council being read, Council agreed to the same, except the first, to which they adhered.

Ordered, That Mr. William Polk deliver the same to the House of Assembly.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met. Present the same members.

The petition of divers inhabitants of Red Lyon Hundred, in the County of New Castle, owners of Cedar Creek Meadows, accompanied with a bill entitled "An act to enable the owners and possessors of the meadow, marsh and cripple on Cedar Creek, in Red Lyon Hundred, in the County of New Castle, to erect a new bank in part and keep the residue of the old bank, &c., in repair," and sundry advertisements, giving notice of the intended application to the General Assembly, and affidavits of their having been put up in due time, were read.

Mr. Polk, being returned, informed Council he had delivered the papers committed to his charge to the House of Assembly, according to order.

On motion,

Ordered, That Mr. Craghead wait on the House of Assembly with the remonstrance of John Baning, Treasurer of Kent County, and the papers accompanying the same;

Who, being returned, reported that he had delivered the same according to order.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, January 14th, A. M.

Council met. Present the same members.

On motion, by order,

The bill empowering the President or Commander-in-Chief to commissionate some proper persons to preside in the several

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Courts of Quarter Sessions of the Peace in the respective Counties in this State, and for other purposes therein mentioned, was read the second time.

Ordered to lie on the table.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, ordered,

That the bill entitled "An act to empower the President to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State," was read by paragraphs, after sundry amendments agreed to by Council therein, and the questions being severally put, it passed the House.

Ordered to be transcribed and sent to the House of Assembly for concurrence.

A petition, signed by the Rev. Sydenham Thorne, a clergyman of the Protestant Episcopal Church, and an inhabitant of Sussex County, complaining of his being taxed in that county, contrary to usage and custom, all other clergymen having been exempted from taxation, and praying relief in the premises, was read the first time.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

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SATURDAY, January 15th, A. M.

Council met. Present the same members.

The bill entitled "An act to empower the President to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State," being transcribed and compared, on motion,

Ordered, That Mr. William Polk wait on the House of Assembly therewith.

Mr. Broom, a member of Assembly, attending, was admitted and delivered to the Chair a message from the President, accompanied with a letter from Captain William McKennan to him, a certificate of monies advanced the Delaware Regiment by the State of Delaware for the year 1781, with a resolution of the House of Assembly in favor of Capt. McKennan, sent for concurrence.

Ordered that the above papers be read; which was done accordingly, and the resolution follows in these words:

IN THE HOUSE OF ASSEMBLY,

SATURDAY, Jan. 15th, 1785.

The House took into consideration the letter from Captain McKennan, of the 29th of October last, with the papers inclosed, and thereupon

Resolved, That Captain William McKennan be entitled to receive the pay and emoluments of a captain during the time he was employed in obtaining and distributing the final settlement certificates of the pay of officers and soldiers of the Delaware Regiment, and that the Auditor be directed to settle the same and report to the General Assembly the sum due.

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

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Mr. Neill, a member of Council, now appeared in the House and informed them he had been very unwell, which had occasioned his not attending sooner, and therefore hoped the excuse of Council, which is accepted.

Mr. Polk, being returned, reported that he had delivered the bill committed to his charge to the House of Assembly, according to order.

By special order, the resolution of the House of Assembly respecting Capt. McKennan, was read a second time and concurred in.

Ordered, That Mr. Snow wait on the House of Assembly and return the same;

Who, being returned, reported that he had delivered the paper committed to his charge, according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and adjourned to Monday next at 10 o'clock, A. M.

MONDAY, January 17th, A. M., 1785.

Council met. Present the same members, except Mr. Neill, who is indisposed.

Mr. James, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for establishing a Militia."

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On motion, by order, the said bill was read the first time.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, January 18th, A. M.

Council met. Present the same members as yesterday.

The Speaker presented to Council a letter directed to him from William Millan, representing that he had Charles Gordon's obligation for £15 : 9, that he had delivered the same to William McClay, which has been since lost; that Charles Gordon's estate was confiscated and sold for the purpose of paying his debts, and the residue for the use of the State; that the amount of the sale of said estate is lost by the failing of Continental money; that he conceives he ought to be paid the principal and interest of his bond by this State, the amount of which, as by his account now exhibited, is £22 : 17.

On motion, by order, the said letter and accounts were read.

Ordered to lie on the table.

On motion, by order,

The bill entitled "An act for establishing a Militia," was read a second time.

Ordered to lie on the table.

Mr. Nixon, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State," with some amendments proposed by that House to the same.

On motion, by order, the amendments proposed by the House of Assembly to the last mentioned bill were read.

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Mr. Broom, a member of Assembly, attending, was admitted and delivered to the Chair resolutions of that House respecting an allowance to the Delegates in Congress, which, on motion, by order, were read, and follow in these words, viz:

IN THE HOUSE OF ASSEMBLY,

MONDAY, January 17th, 1785.

WHERRAS it becomes the duty of the Legislature to provide for the support of the Delegates from this State to the Congress of the United States in a manner suitable to the honor and dignity of their station; therefore

Resolved, That each of the Delegates from this State to the Congress of the United States, for the present year, be allowed the sum of forty shillings for every day he has attended, or shall attend in Congress, or any committee thereof, and also the same sum per day for traveling charges in going thereto, and returning therefrom.

Resolved also, That the Speakers of both Houses, or, in the recess of the General Assembly, the President or Commander-in-Chief of this State, upon each Delegate's producing an account of his attendance, be and are hereby authorized to draw an order on the State Treasurer indorsed on such account, for the payment of the same; which account, with the order and receipt, shall be a sufficient voucher for the Treasurer in the settlement of his accounts.

JAS. BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met. Present the same members.

On motion, by order,

The resolutions of the House of Assembly ascertaining the allowance per day of the Delegates to Congress from this State to the United States, were read a second time, in the course of which reading some amendments were proposed and made thereto by Council.

On motion,

Ordered, That Mr. William Polk deliver the amendments to the House of Assembly;

Who, being returned, reported he had delivered the same.

On motion, by order, the amendments proposed by the House of Assembly to the bill entitled "An act to empower the President to appoint suitable persons to preside in the several Courts of Quarter Sessions of the Peace," were taken into consideration and severally agreed to, and the bill ordered to be engrossed.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, January 19th, A. M.

Council met. Present the same members as yesterday.

The engrossed bill, entitled "An act to empower the President to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State," with the amendments proposed by the House of Assembly, and agreed to by Council, was now read and compared.

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Ordered, That Mr. Craghead wait on the House of Assembly with the same;

Who, being returned, reported he had delivered the bill and amendments committed to his charge, according to order.

Mr. Raymond, a member of Assembly, attending, was admitted and delivered to the Chair the resolutions of that House respecting the allowance to the Delegates from this State to the United States in Congress, with the amendments proposed by Council thereunto, to two of which the House of Assembly had agreed, and to the other, with respect to increasing the daily allowance from 40*s*. to 45*s*., that House had disagreed; also a report of the Auditor of Accounts on the resolutions of the General Assembly respecting the claim of Capt. William McKennan; which report follows in these words, viz:

The Auditor of Accounts being unprovided with the late resolutions of Congress for settling the accounts of the Army, has availed himself of the best information in his power to procure at present, and thereupon begs leave to make the following report, viz: That there is due to Captain William McKennan, for his pay and subsistence, and forage for his horse, for eight months, fifteen days, the time he charges to have been employed in obtaining and distributing final settlement certificates of the pay of the officers and soldiers of the Delaware Regiment, the sum of one hundred and eighty-four pounds, seventeen shillings and six pence.

January 18th, 1785. E. McCOMB, *Auditor of Accounts.*

In the House of Assembly, Wednesday, A. M., Jan. 19, 1785, read and agreed to.

JAMES BOOTH, *Cl'k of Assembly.*

In Council. Read and concurred in.

JAMES SYKES, *Cl'k Leg. Council.*

Council resumed the consideration of the bill entitled "An act for establishing a Militia," and after some time spent therein is referred to further consideration.

On motion, by order, on reading the amendments of Council to the resolutions of Assembly respecting the daily allowance of

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the Delegates in Congress from this State, upon the question, "Do Council rescind their amendment thereto concerning the increasing the daily allowance therein mentioned?" it passed in the affirmative, and Council concurred in the said resolutions.

On motion,

Ordered, That Mr. Loockerman wait on the Assembly with the several papers delivered to Council by Mr. Raymond, to which Council had agreed, and also deliver at the same time William Millan's letter, with its inclosures, to that House.

Mr. Loockerman, being returned, reported that he had delivered the papers committed to his charge, according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Broom, a member of Assembly, attending, was admitted and delivered to the Chair a resolution of that House for drawing an order in favor of Capt. William McKennan, agreeable to the report of the Auditor of Accounts, with the order drawn by that House; which, by order, being read and concurred in, follows in these words, viz:

IN THE HOUSE OF ASSEMBLY,
WEDNESDAY, January 19, 1785.

On motion,

Resolved, That the Speakers of both Houses draw an order on the State Treasurer for the payment of one hundred and eighty-five pounds seventeen shillings and six pence to William McKennan, agreeable to the Auditor's Report, confirmed this day by the General Assembly.

JAS. BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

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Mr. Broom also delivered to the Chair an order, drawn by the House of Assembly, in favor of John Vining, Esq., one of the Delegates from this State to Congress, for the sum of £115 : 10, the amount of his account, as exhibited to the General Assembly, for his attendance in Congress the last year, and for the present year to this time; which, by order, was read and agreed to by Council.

Ordered, That the said orders be signed by the Speaker of Council; which was accordingly done.

Adjourned to 10 o'clock to-morrow morning,

THURSDAY, January 20th, A. M.

Council met. Present the same members as yesterday.

On motion being made and seconded, that leave be given to bring in a resolution of this House requiring and directing the members of Congress from this State, with all possible dispatch, to press Congress to form and recommend to the Legislature of this State what in their opinion may be a proper peace establishment, so as to form the Militia of the Union on a uniform, regular and respectable footing, which is granted; and Mr. Bassett laid a resolution on the table for that purpose, which, by order, was read, and follows in these words:

WHEREAS a well regulated Militia is and must be considered as the palladium of the security of our country, and the first effectual resort in case of hostility; and whereas to make it more useful and powerful it is necessary the same systen should, as near as possible, pervade the United States, that the discipline of the Militia of the Continent may be uniform, and the same species of arms, accoutrements and military apparatus be introduced in every part of the United States; therefore

Resolved, That the delegates to Congress from this State be required and directed, with all possible dispatch, to press Congress to form and recommend to the Legislatures of the several

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States what, in their wisdom, may be a proper peace establishment for the United States; in which, due attention, it is not doubted, will be paid by Congress to the importance of placing the militia of the Union upon a regular and respectable footing.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met and adjourned to 10 o'clock to-morrow morning.

FRIDAY, January 21st, A. M.

Council met. Present the same members as yesterday.

Council resumed the consideration of the bill entitled "An act for establishing a Militia." In the course of reading the same, by paragraphs, sundry amendments were proposed and agreed to as far as Section six. The further consideration thereof referred until the afternoon.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

The Council again resumed the consideration of the bill entitled "An act for establishing a Militia," from the sixth section, and some amendments were proposed to the seventh, eighth and ninth, which were agreed to by Council, the remaining sections of the said bill also agreed to.

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Ordered, That the amendments be transcribed and sent to the House of Assembly for concurrence.

On motion, ordered,

That the resolution of Council respecting the directing the members of Congress from this State to press upon Congress the necessity of recommending to the several Legislatures of the United States what in their wisdom may be a proper peace establishment, &c., should be read; which was done accordingly, and agreed to by Council.

Ordered, To be transcribed and sent, with the above mentioned bill, to the House of Assembly.

On motion, for leave to bring in a bill as a supplement to "An act for the better regulation of servants and slaves, &c.," the same is granted, and Mr. Snow delivered a bill on the table, which, by order, was read the first time.

Ordered to lie on the table.

Ordered, That Mr. William Polk wait on the House of Assembly with the resolution drawn in favor of Capt. McKennan.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, January 22d, A. M.

Council met. Present the same members as yesterday.

The amendments to the bill for establishing a Militia, being transcribed, were compared, also the resolution directing the members of Congress from this State to press upon Congress the forming and recommending to the several Legislatures of the United States a proper peace establishment, &c.

Ordered, That Mr. William Polk wait on the House of Assembly with these papers, together with the bill for establishing a Militia.

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Mr. Polk, being returned, reported that he had delivered to the House of Assembly the papers now committed to his charge, and also the resolution in favor of Capt. McKennan, which was committed to him yesterday in the afternoon.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

Mr. Nixon, a member of Assembly, attending, was admitted and delivered to the Chair an engrossed bill entitled "A supplementary act to the act entitled 'An act for the more easy and speedy recovery of small debts,' " with the original draught; the engrossed bill entitled "An act to empower the President to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State;" and the engrossed bill entitled "An act to increase the daily allowance of Grand and Petit Jurors and Witnesses," signed by the Speaker of the House of Assembly; which were severally compared.

Mr. Nixon also delivered to the Chair a bill for destroying the Bills of Credit emitted by virtue of any law of this State; a bill for the support of non-commissioned officers, private soldiers, &c., disabled in the course of the late war.

On motion, by order, the said two last mentioned bills were read the first time.

Ordered to lie on the table.

Adjourned to 10 o'clock on Monday morning.

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MONDAY, January 24th, A. M.

Council met. Present all the members, as Mr. Read and Mr. Joshua Polk now appeared in the House and severally informed Council—the former, that at the time of the first meeting of the Council the weather was so extremely severe that he could not, in his state of health, venture abroad; that the week following some very urgent and indispensable business intervened, which detained him; the latter, that his absence was occasioned by the illness of his wife and his own indisposition. Both of the gentlemen's reasons are admitted, and they stand excused.

On motion, by order, the several engrossed bills last mentioned were signed by the Speaker.

On motion, by order,

The bill entitled "An act to enable the owners and possessors of the meadow, marsh and cripple on Cedar Creek, in Red Lyon Hundred, in the County of New Castle, to erect a new bank in part and to keep the residue of the old bank, &c., in repair," was signed by the Speaker.

Ordered, That Mr. Joshua Polk wait on the House of Assembly and deliver there the several bills signed by the Speaker.

On motion, by order,

The bill entitled "An act for the support of non-commissioned officers, private soldiers, warrant officers, marines, and seamen, citizens of this State, who, in the course of the late war, have been maimed, or disabled from getting a livelihood," was read a second time.

Ordered to lie on the table.

Mr. Joshua Polk, being returned, reported that he had delivered the bills committed to his charge, according to order.

On motion, by order,

The bill entitled "An act for calling in and destroying such of

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the Bills of Credit, emitted by virtue of any law of this State passed under the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned," was read a second time.

Ordered to lie on the table.

Mr. Waples, a member of Assembly, attending, was admitted and delivered to the Chair the bill for establishing a Militia, with the amendments proposed by Council to the same, to some of which the House of Assembly has disagreed.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, January 25th, A. M.

Council met. Present all the members.

On motion, by order, the petition from the Rev. Sydenham Thorne was read the second time.

Ordered to lie on the table for further consideration.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. All the members present.

Mr. Revell, a member of Assembly, attending, was admitted and returned to the Chair the bill entitled "An act to compel executors to give security for the faithful discharge of the duty reposed in them by their testator," with a paper of amendments proposed by that House.

On motion, by order, the amendments proposed to the said bill by the House of Assembly were read and disagreed to unanimously.

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On motion,

Ordered, That Mr. Neill wait on the House of Assembly with the said bill, and the amendments of that House disagreed to by Council.

Mr. Neill, being returned, reported that he had returned to the House of Assembly the bill and amendments thereunto, proposed by that House, according to order.

The Council resumed the consideration of the amendments to the bill entitled "An act for establishing a Militia," to some of which the Assembly had disagreed, and after some time spent therein, the question was put, "Do Council adhere to their 7th amendment?" which is—in Section 7 and line 11 of the bill, after the words [provided with] insert the words [sufficient arms and accoutrements to enable him to be taught and instructed in his duty and exercise, to be adjudged of by the commanding officer present]—and the House being divided on this question, the Speaker gave his voice in the affirmative.

On motion, that the yeas and nays should be entered on this question, it was ordered accordingly, which are as follows:

For the affirmative—Mr. Read, Mr. Bassett, Mr. Snow, Mr. Loockerman.

For the negative—Mr. Craghead, Mr. Neill, Mr. J. Polk, Mr. W. Polk.

The whole of the amendments disagreed to by the House of Assembly were adhered to by Council, on the questions being severally put.

Adjourned to 10 o'clock to-morrow morning.

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WEDNESDAY, January 26th, A. M.

Council met. Present all the members.

On motion,

Ordered, That Mr. Craghead wait on the House of Assembly and return the bill entitled "An act to establish a Militia," with the amendments of Council.

Mr. Waples, a member of Assembly, attending, was admitted and delivered to the Chair a petition, signed by a number of the inhabitants of Kent County, praying that an act of the General Assembly should pass to permit them to build a bridge across Mispillion Creek, at the upper landing on said creek, as the same would be of great advantage to the public, and that a considerable sum of money was subscribed for the same; also another petition, from divers inhabitants of Kent and Sussex Counties, against the prayer of the first, and a resolution of the House of Assembly appointing a committee upon the aforesaid petitions.

On motion, by order, the said petitions and resolution of the House of Assembly were read.

Mr. Craghead, being returned, reported that he had delivered the papers committed to his charge, according to order.

On motion, some amendments were agreed to to the resolution of the Assembly for appointing a committee on the above mentioned petitions, and being transcribed,

Ordered, That Mr. William Polk wait on the Assembly and deliver the same.

On motion, by order,

The bill entitled "A further supplement to an act entitled 'An act for the better regulation of servants and slaves,'" was read a second time. Referred to further consideration.

Mr. Polk, being returned, reported that he had delivered the papers committed to his charge, according to order.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met. Present all the members.

Mr. Manny, a member of Assembly, attending, was admitted and returned to the Chair the resolution of the House Assembly respecting the appointment of a committee on the petitions concerning the bridge over Mispillion Creek, with the amendments of Council to which that House had agreed, which was concurred in by Council, and Mr. William Polk is appointed as one of the committee on the part of the Council; which resolution follows in these words:

IN THE HOUSE OF ASSEMBLY,
January 25th, 1785.

The House having taken into consideration the petition from divers inhabitants of this State, praying that a law be enacted for erecting a bridge over Mispillion Creek, near the upper landing on the said Creek,—and also the petition from divers inhabitants of the Counties of Kent and Sussex, praying that the waters of navigible creeks may not be obstructed by bridges being built over the same, and especially that no bridge may be permitted to be built over Mispillion Creek, near Oliver and Cropper's landing,

Resolved, That a committee of the General Assembly, consisting of three, be appointed, to whom the said petitions be referred, and who are hereby directed to go upon the premises aforesaid, and if, upon viewing the same, they shall be of opinion that a bridge erected over Mispillion Creek, as aforesaid, will be of public utility, they shall ascertain the place where, and the manner how, the same shall be erected; and that the said committee report their opinion thereon fully at the next sitting of the General Assembly.

The members appointed on the part of this House are Mr. Revell and Mr. Bradley.

Extract from the minutes. JAS. BOOTH,
Sent for concurrence. *Cl'k of Assembly.*

In the Legislative Council, January 26th, 1785, read and concurred in.

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The member appointed on the part of the Council is Mr. William Polk.

JAMES SYKES, *Cl'k Leg. Council.*

On motion, Council took into consideration the bill entitled "An act for calling in and destroying such of the Bills of Credit, emitted by virtue of any laws of this State passed under the present or former Government thereof, as are now outstanding, &c.," and after some debate thereon, is referred to further consideration.

Adjourned to ten o'clock to-morrow morning.

THURSDAY, January 27th, A. M.

Council met. Present all the members, and resumed the consideration of the last mentioned bill, and, on motion, the question was put, "Shall the bill now under consideration be committed?" and it passed in the affirmative.

On motion, that the yeas and nays on this question should be entered, was ordered accordingly, and are as follows, to wit:

For the affirmative—Mr. Loockerman, Mr. Snow, Mr. Joshua Polk, Mr. W. Polk, Mr. Neill, Mr. Craghead.

For the negative—Mr. Read, Mr. Bassett.

On motion that the said bill shall be committed to a committee of three, the members appointed are: Mr. William Polk, Mr. Snow, and Mr. Craghead.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

The committee to whom the last mentioned bill was committed, reported that they had made some progress therein, but required further time to perfect the same; which was granted.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, January 28th, A. M.

Council met. Present all the members.

Mr. Nixon, a member of Assembly, attending, was admitted and delivered to the Chair a resolution of that House for appointing a committee of conference on the bill for establishing a Militia.

Ordered to lie on the table.

Mr. Raymond, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for recovery of monies received under the late Militia law."

Ordered to lie on the table.

On motion, for leave to bring in a bill for vesting in Trustees, for the use therein mentioned, the title of the school house and lot whereon the same is erected, and an adjoining lot in the Town of Dover, the same is granted, and Mr. Bassett laid a bill on the table for that purpose.

Ordered to lie on the table.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met. Present all the members.

On motion,

The bill entitled "An act for vesting the school house and lot of ground whereon the same is built, together with another lot of ground contiguous thereunto in the Town of Dover, in Trustees for the use therein mentioned," and the several papers referred to therein, were read the first time.

Ordered to lie on the table.

On motion, Council resumed the consideration of the bill entitled "An act for the support of non-commissioned officers, private soldiers, warrant officers, marines, and seamen, &c.," and sundry amendments were proposed and agreed to.

Ordered, That the amendments aforesaid be transcribed and sent to the House of Assembly for concurrence.

The gentlemen to whom the bill for destroying the Bills of Credit, &c., was committed, now reported that they had essayed sundry amendments to the same, which they laid on the table and submitted to the correction of the House.

Ordered that the same be read.

On motion, by order,

The bill entitled "A supplement to an act concerning servants and slaves," was read, by paragraphs, and upon the question on the enacting clause, "Do Council agree to the same?" it passed in the negative.

On motion, by order,

The resolution of the House of Assembly for appointing conferees on the subject matter of the amendments proposed by Council to the bill for establishing a Militia, was read, and follows in these words, viz:

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IN THE HOUSE OF ASSEMBLY,
January 28th, 1785.

The House resumed the consideration of the amendments proposed to the bill entitled "An act for establishing a Militia," and thereupon

Resolved, That it be proposed to the Council that a committee be appointed by each House to confer on the subject matter of the said amendments.

The conferees appointed on the part of this House are: Mr. Peery, Mr. James, and Mr. Taylor.

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

Concurred in by Council. Gentlemen appointed on the part of the Council: Mr. Snow, Mr. Neill, and Mr. Joshua Polk.

Ordered, That Mr. Bassett wait on the House of Assembly with the appointment of a committee upon the petitions for and against the building a bridge over Mispillion Creek, &c.; the resolution of Assembly for appointing conferees on the subject matter of the bill for establishing a Militia; the bill for the support of non-commissioned officers, private soldiers, &c., with the amendments proposed and agreed to by Council.

On motion, ordered

That Mr. William Polk wait on the House of Assembly with the following verbal message:

A VERBAL MESSAGE FROM THE COUNCIL TO THE HOUSE OF ASSEMBLY.

That the Council request to know from the honorable House of Assembly, whether any reports have been made and returned to their House, in virtue of the act for stating the accounts of the several Loan-Offices, and of commissioners into whose hands any public monies have come by virtue of laws passed under the former government, &c., passed the 12th February, 1781; and if any such, the Council request, that the House of Assembly may order the same to be delivered to Council for their information as to parts of the bill, entitled, "An act for calling in and destroying

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such of the bills of credit emitted by virtue of any law of this State, passed under the present or former government thereof, as are now outstanding, and for other purposes therein mentioned," sent up by the House of Assembly, and now before the Council for consideration and concurrence.

Adjourned to ten o'clock to-morrow morning.

SATURDAY, January 29th, A. M.

Council met. Present all the members.

Mr. Polk, being returned, reported he had delivered the verbal message, according to order.

On motion, by order,

The bill entitled "An act for vesting the school house and lot in the Town of Dover in Trustees, &c.," was read a second time. Ordered to be postponed.

Mr. Gordon, a member of Assembly, attending, was admitted and delivered to the Chair a return of the settlement of the Loan Office accounts of Kent and Sussex, accompanied with a verbal message, which follows in these words, viz:

A VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE COUNCIL.

Gentlemen:

In answer to your verbal message, received this day, the House of Assembly inform the honorable the Council, that the committee appointed by the act of the twelfth of February, 1781, have reported their settlements of the Loan-Office accounts for the Counties of Kent and Sussex, but that no report respecting that business in the County of New Castle hath been received. The two reports that have been made, which are now sent to the Council for their information, have not been acted upon by this House.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order,

The bill entitled "An act for destroying the Bills of Credit emitted by virtue of any law of this State, &c., with the amendments thereto agreed by the committee appointed for that purpose, were read, and after some time spent in the consideration thereof, is referred to three o'clock on Monday afternoon.

Mr. Smith, a member of Assembly, attending, was admitted and delivered to the Chair the bill for the support of non-commissioned officers, &c., with a paper of amendments proposed by the House of Assembly thereto.

Adjourned to 3 o'clock on Monday next, P. M.

MONDAY, January 31st, P. M.

Council met. Present all the members.

Agreeable to the order of the day, Council resumed the consideration of the bill for destroying the Bills of Credit emitted by virtue of any law of this State, &c., and the first enacting clause being read, as amended, the question was put, after the same had been debated, "Do Council agree to the same?" and it passed in the affirmative.

For the affirmative—Mr. Neill, Mr. William Polk, Mr. Joshua Polk, Mr. Craghead, Mr. Loockerman, and Mr. Snow.

For the negative—Mr. Read, Mr. Bassett.

Adjourned to 10 o'clock to-morrow morning.

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TUESDAY, February 1st, A. M.

Council met. Present all the members, and resumed the consideration of the bill for destroying the Bills of Credit emitted by virtue of any law of this State, &c., and after some time spent therein, is referred till the afternoon.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members, and resumed the consideration of the last mentioned bill, and sundry amendments were proposed and agreed thereunto, and the further consideration thereof postponed until to-morrow morning.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, February 2d, A. M.

Council met. Present all the members, and resumed the consideration of the last mentioned bill; and the amendments, being transcribed, were compared, and the question was put, and the said bill is passed.

Ordered, That Mr. Neill wait on the House of Assembly with the said bill and the amendments of Council thereunto, for the concurrence of that House.

Mr. Bradley, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for the regulation of certain water grist-mills on Brandywine Creek, New

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Castle County;" certain resolutions of that House for printing 400 copies of the Laws of this State, and a proposition for filling up the blank in the said resolutions with the names of George Read, William Killen, and James Booth, Esquires; which, by order, were severally read.

On application of Mr. William Polk for leave of absence the remaining time that Council may sit, the same is granted.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members, except Mr. William Polk.

Mr. James, a member of Assembly, delivered to the Chair a paper, sent from the House of Assembly, proposing to fill up the blanks in the bill for calling in and destroying the Bills of Credit, &c., with the names of John Stockton for New Castle County, Eleazar McComb for Kent County, and Joseph Hall for Sussex County, as Trustees of the respective Loan Offices; which, by order, was read.

On motion, by order,

The bill entitled "An act for the regulation of certain water grist-mills on Brandywine Creek, in New Castle County," was read a second time.

Referred under consideration until to-morrow morning.

Mr. Douglass, a member of Assembly, attending, was admitted and delivered to the Chair two reports of the Auditor of Accounts, the one of 26th, and the other of 27th January, with some amendments proposed by the House of Assembly to one of these reports; Mr. Henry Neill's accounts, and a resolution expressing the time of the intended adjournment of that House; which, by order, were severally read.

Adjourned to 10 o'clock to-morrow morning.

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THURSDAY, February 3d, A. M.

Council met. Present the same members as yesterday.

Mr. Waples, a member of Assembly, attending, was admitted and delivered to the Chair a report of the Auditor of Accounts of this day.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and went into the consideration of the resolution of the House of Assembly respecting the appointing of commissioners for collecting and printing the Laws of this State, and sundry amendments were agreed to, and George Reed and James Booth, Esquires, proposed as commissioners.

Ordered, That Mr. Neill wait on the House of Assembly with the above mentioned papers;

Who, being returned, reported he had delivered them, according to order.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, February 4th, A. M.

Council met. Present the same members as yesterday.

On motion, ordered,

That Mr. Craghead and Mr. Snow attend at the Auditor's office with the reports by him presented to the General Assembly, and there examine the vouchers in support of the charges therein reported, and make report of their proceedings to the Council.

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The gentlemen, being returned, reported that they had attended at the Auditor's office, according to order, and had examined the vouchers respecting the reports of the sums due to the Whig Battalion, and of those concerning Mr. Neill's Battalion, for both which the vouchers were sufficient, and that they are properly chargeable to the United States; that with respect to the report there was sufficient vouchers for the several accounts therein exhibited by the Auditor.

Mr. Mitchell, a member of Assembly, attending, was admitted and returned the proposition for filling up the blank in the resolutions for printing the laws, disagreed to by the Assembly; also the resolutions thereon, and amendments of Council, to several of which the House of Assembly had disagreed.

Council took into consideration the bill for regulating the water grist-mills in the County of New Castle, and agreed to sundry amendments, which were transcribed and compared.

Ordered, That Mr. Joshua Polk wait on the House of Assembly and deliver the said bill, with the proposed amendments of Council thereunto.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, Council went into the consideration of the bill entitled "An act for the recovery of the monies received under the late Militia law of this State," and after some amendments made and agreed to, the same was transcribed.

Ordered, That Mr. Bassett wait on the House of Assembly with the last mentioned bill and amendments of Council;

Who, being returned, reported he had delivered them, according to order.

Mr. Broom, a member of Assembly, attending, was admitted

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and delivered to the Chair a resolution for the payment of sundry debts; a resolution for the payment of 185$\frac{11}{90}$ dollars to George Craghead, with a memorial of the said George Craghead, and a certificate, signed by Joseph Noarn, Register, specifying the said sum due to the said George Craghead, dated 8th December, 1781; which, by order, were severally read.

Ordered, That Mr. Snow wait on the House of Assembly with the resolutions of that House respecting the printing the Laws, with the further amendments proposed by Council thereunto, and the proposition for filling up the blank in said resolution with the names of the commissioners therein acceded to by Council;

Who, being returned, reported he had delivered the papers, according to order.

Mr. James, a member of Assembly, attending, was admitted and delivered to the Chair the bill for regulating water grist-mills in the County of New Castle, with the amendments of Council and some amendments proposed by the House of Assembly to those of Council, to which amendments of the Assembly Council agreed to. Sent to the Assembly by Mr. Neill.

Mr. Gordon, a member of Assembly, attending, was admitted and returned the resolution of that House for printing the Laws of this State, with amendments of Council sent to the House of Assembly, and a proposition for filling up the blank in said resolution with the names of the commissioners, to which amendments of Council the House of Assembly had agreed.

Mr. Clark, a member of Assembly, attending, was admitted and delivered to the Chair a report of the Auditor of Accounts, that there is due to James Wilson, Esq., of Philadelphia, for presenting this State's claim of the schooner Fortune before the Committee of Appeals appointed by Congress, the sum of £30; to William Clark, Esq., £1 : 3 : 11, for an order drawn by the Speaker of the House of Assembly on the State Treasurer, dated 16th April, 1780, for £51 Continental money.

Read and concurred in, and ordered to be signed by the Speaker.

On motion, Council took into consideration the accounts reported by the Auditor of the 27th January, 1785, and the amend-

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ments proposed by the House of Assembly thereto, and agreed to the same, and the several accounts therein reported are agreed to.

Ordered, That Mr. Craghead wait on the House of Assembly with the general accounts of the Auditor, and their amendments thereto, and also deliver at the same time the Loan Office accounts of Kent and Sussex.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, February 5th, A. M.

Council met. Present the same members as on yesterday.

Mr. Nixon, a member of Assembly, attending, was admitted and delivered to the Chair the Auditor's general account, with the amendments proposed by that House thereto, and the amendments proposed by Council to the amendments of Assembly, which were agreed to by that House.

The several reports of the Auditor, and the resolutions of the House of Assembly thereupon, were now considered and agreed to.

Ordered, That the Speaker sign the same; which was accordingly done.

Ordered, That Mr. Craghead wait on the House of Assembly and return the above mentioned papers and the resolutions respecting the printing the Laws, as agreed to by Council;

Who, being returned, reported that he had delivered the papers according to order.

Mr. Peery, a member of Assembly, attending, was admitted and returned the papers last mentioned, sent to that House by Mr. Craghead, with the amendments proposed by Council to the resolution respecting the Clothier, which the House of Assembly had agreed to.

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Ordered, That Mr. Loockerman wait upon the House of Assembly and return the above papers to that House;

Who, being returned, reported he had delivered the papers according to order.

Mr. James, a member of Assembly, attending, was admitted and delivered to the Chair a resolution of that House in the following words, viz:

IN THE HOUSE OF ASSEMBLY,
February 5, 1785.

On motion,

Resolved, That an order be drawn by the Speakers of both Houses on the State Treasurer for the payment of fifty pounds to his Excellency, the President, for defraying of his expenses during his attendance on the General Assembly now and heretofore.

JAS. BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and went into the consideration of the resolutions of the House of Assembly respecting the payment of sundry debts due from the public, and sundry amendments were proposed and agreed to.

Ordered, That they be transcribed and sent to that House for consideration and concurrence.

Mr. Mitchell, a member of Assembly, attending, was admitted and delivered to the Chair the several bills passed at this sitting, signed by the Speaker of Assembly.

Ordered, That the three laws returned to Council be now signed by the Speaker; which was done accordingly.

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Ordered, That Mr. Joshua Polk wait on the House of Assembly and return the resolutions of that House respecting the payment of certain public debts, with the amendments of Council thereto, and the resolution of the House of Assembly for the payment to his Excellency, the President, the sum of £50, which was agreed to by Council;

Who, being returned, reported he had delivered the papers committed to his charge, according to order.

Mr. James, a member of Assembly, attending, was admitted, and returned the resolutions of that House with respect to the payment of certain public debts, and the amendments of Council thereto, all of which were disagreed to, but the first.

Council proceeded to ballot for Trustees of the Loan Offices of the respective Counties in this State, in order to fill up the the blanks in the bill for calling in and discharging the bills of credit, and upon casting up the polls it appeared that the following persons were choosen by a majority of votes, viz: For the County of New Castle, John Stockton; for the County of Kent, George McCall; and for the County of Sussex, Joseph Hall.

Ordered, That Mr. Craghead wait on the House of Assembly and return the resolutions of that House concerning the payment of certain public debts, with amendments of Council disagreed to by the Assembly and adhered to by Council; also an agreement of Council to the two persons proposed by that House for Trustees of the Loan Offices of New Castle and Sussex Counties, and proposition of George McCall, for Trustee of the Loan Office of Kent County; as also the several laws now passed, together with a resolution for affixing the Great Seal to the said laws, passed this sitting, the titles of which are as follows, viz:

First. "An act to empower the President to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State;"

Secondly. "An act to increase the daily allowance to Grand and Petit Jurors and Witnesses;"

Thirdly. "A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts;'"

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Fourthly. "An act to enable the owners and possessors of the meadow, marsh and cripple, on Cedar Creek, in Red Lion Hundred, in the County of New Castle, to erect a new bank in part, and to keep the residue of the old bank, dams, sluices and floodgates in repair, and to raise a fund to defray the expense thereof;"

Fifthly. "An act for the support of the non-commissioned officers, private soldiers, warrant officers, marines and seamen, citizens of this State, who, in the course of the late war, have been maimed, or disabled from getting a livelihood;"

Sixthly. "An act for calling in and destroying such of the Bills of Credit emitted by virtue of any law of this State, passed under the present or former government thereof, as are now outstanding, and for other purposes therein mentioned;"

Seventhly. "An act for the regulation of certain water gristmills in New Castle County;"

Eighthly. "An act for the recovery of monies received under the late Militia law."

Also a verbal message, concerning the resolution aforesaid and the adherence of Council to their amendments to the same, which message follows in these words:

Gentlemen:

Council have adhered to their amendments proposed to your honorable House, and herewith returned, and should have assigned their reasons for the same, did time permit; but are doubtful, from the verbal message received this evening, that the House are not disposed to sit until the reasons actuating Council to propose and adhere to their amendments could possibly be stated on paper.

Who, being returned, reported that he had delivered the same according to order.

Mr. Peery, a member of Assembly, attending, was admitted and returned the proposition of George McCall for Trustee of the Loan Office of Kent County, disagreed to by that House, and proposing Simon Wilmer Wilson.

On motion, an order was drawn on the State Treasurer in

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favor of George Craghead, Esq., for the sum mentioned in the resolution of Assembly, concurred in by Council, and was signed by the Speaker and sent to the House of Assembly by Mr. Craghead.

Ordered, That Mr. Joshua Polk wait on the House of Assembly with the proposition of Simon Wilmer Wilson for Trustee of of the Loan Office for Kent County, which was acceded to by Council;

Who, being returned, reported that he had delivered the same according to order.

Mr. Smith, a member of Assembly, attending, was admitted and delivered to the Chair the bill for calling in and destroying the Bills of Credit emitted by this State, signed by the Speaker of that House, and a warrant to affix the Great Seal to the several laws passed this sitting.

The bill entitled "An act for calling in and destroying the Bills of Credit of this State," was compared and signed by the Speaker.

Ordered, That Mr. Neill wait on the House of Assembly and return the last mentioned papers.

The Speaker of the House of Assembly delivered to the Speaker of Council notice of the adjournment of the House of Assembly to the 16th day of May next.

Council therefore adjourned to the said 16th day of May next.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MAY, 1785.

MONDAY, May 16th, 1785.

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Tuesday, the 24th of the same month, when there appeared as follows:

For New Castle County—Thomas McDonough, Speaker, Geo. Craghead.

For Kent County—Richard Bassett, Vincent Loockerman, Silas Snow.

For Sussex County—William Polk, Joshua Polk.

Mr. Craghead laid on the table a memorial, signed by James Adams, of the borough of Wilmington, in the County of New Castle, printer, which, on motion, by order, was read; and set forth that he had frequently done printing business for the General Assembly; that great part of the amount thereof was still unpaid, and desiring immediate payment of the same; and it is therein further set forth that he is desirous of undertaking the printing the laws of this State, lately resolved by the General Assembly to be revised and printed; and that he will perform the same on as reasonable terms as any other person whatsoever.

Ordered to lie on the table.

Adjourned to ten o'clock to-morrow morning.

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WEDNESDAY, May 25th, P. M.

Council met. Present the same members as yesterday, except Mr. Bassett.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, May 26th, A. M.

Council met. Present the same members as yesterday.

Adjourned to three o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, that agreeable to the Constitution, or system of Government, it was necessary to remove one of the members of the Privy Council, last appointed by Council, as two years had elapsed since that appointment, and to put persons in nomination that one may be chosen to fill up the place of the Councillor so removed, which being seconded, Council proceeded, by ballot, to determine which of those two last appointed should be removed, and, upon reading the polls, it appeared that John Lea was unanimously removed, and the persons to be put in nomination to supply the vacancy is referred until to-morrow.

Adjourned until 10 o'clock to-morrow morning.

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FRIDAY, May 27th, A. M.

Council met. Present the same members, and Mr. Henry Neill, who appeared, was excused for his absence, and took his seat.

Agreeable to the order of the day, Council proceeded to put in nomination persons to fill the vacancy of a Privy Councillor, and the following gentlemen were put in nomination, viz:

By Mr. Craghead—Capt. James Black, Capt. John Garratt.
By Mr. Loockerman—Alexander Porter.
By Mr. Bassett—James Sykes;

And that in the afternoon Council will proceed to ballot from the above nominations.

The Speaker laid on the table a petition, signed by Benjamin Williams, owner of a grist-mill, at Noxonton, in New Castle County, complaining of the great hardship and inconvenience of his being called upon to support and repair a bridge, on the upper road from New Castle to Dover, at the head of said mill-pond, which he thinks ought to be maintained by the public, as a bridge would be equally necessary were there no mill at the place aforesaid, and praying relief in the premises, from the Legislature of this State, which, together with certificates signed by a number of respectable inhabitants of New Castle County, setting forth that the prayer of the petitioner is, in their opinion, reasonable, and that he ought not to be burdened with any expense relative to the said bridge, more than any other taxable of the said County; which, on motion, by order, were read.

Ordered to lie on the table.

Adjourned to 3 o'clock this afternoon.

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EODEM DIE, P. M.

Council met. Present the same members, and proceeded to ballot for a Privy Councillor, agreeable to the order of the forenoon, and the votes having been received by the Speaker, read and polled, it appeared that Major James Black was elected by a majority of votes, and he is declared duly elected Privy Councillor in the room of John Lea.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, May 28th, A. M.

Council met. Present the same members, except Mr. Snow and Mr. Joshua Polk.

Mr. Nixon, a member of the House of Assembly, attending, was admitted and delivered to the Chair an order of that House appointing Mr. Kollock one of the committee of conference on the subject matter of the disputed amendments proposed to the bill entitled "An act for establishing a Militia," in the room of Mr. Peery, who is absent; also a message from the President, accompanied with sundry resolutions of Congress, and letters; which, by order, were severally read.

Mr. Douglass, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill entitled "An act for establishing a Militia," with the amendments proposed by Council thereto, and the report of the committee of conference thereon; which report, by order, was read. Left under consideration.

Mr. Neill desired leave of absence during the present sitting, having a vessel ready to sail, on board of which he purposes going to sea; which is granted.

Mr. Bassett desired leave of absence for a few days, having urgent business in Maryland; which is granted.

Adjourned to Monday morning, 10 o'clock.

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MONDAY, May 30th, P. M.

Council met. Present the same members as on Saturday, except Mr. Bassett, Mr. Neill, and Mr. Snow.

On motion, ordered,

That the report of the committee of conference on the subject matter of the bill entitled "An act for establishing a Militia," be again read, which being done accordingly, and the question put, "Do Council agree to the said report?" it passed in the affirmative.

On motion of Mr. Loockerman, that the yeas and nays on the above question should be entered, it is ordered accordingly.

For the affirmative—Mr. William Polk, Mr. Craghead, Mr. Joshua Polk.

For the negative—Mr. Loockerman.

Ordered, That Mr. William Polk wait on the House of Assembly and deliver the last mentioned bill, with the report of the committee of conference, to which Council had agreed;

Who, being returned, reported he had delivered them according to order.

Mr. Mitchell, a member of the House of Assembly, attending, was admitted and delivered to the Chair a supplementary bill to the act for regulating the wharves, &c., at Wilmington, accompanied by a petition from sundry inhabitants of said borough; which, by order, were read.

Ordered to lie on the table.

Mr. William Polk laid on the table a bill entitled "An act to repeal an act entitled 'An act directing the punishment of petty larceny, and for other purposes therein mentioned;' " which, by order, was read.

On motion, by order,

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The bill for regulating the wharves, public streets, &c., in the Borough of Wilmington, was read a second time.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, May 31st, A. M.

Council met. Present the same members as on yesterday.

On motion,

The bill entitled "A supplement to the act entitled 'An act for the better regulating the wharves, public streets, buildings, party walls and partition fences in the Borough of Wilmington, in the County of New Castle, upon Delaware, and for raising money on the inhabitants of the said borough for the public use and benefit thereof,' " was read, by paragraphs, and the question being severally put on each paragraph, they were agreed to by Council, and the bill will pass.

Ordered, That Mr. Snow wait on the House of Assembly with the last mentioned bill and deliver the same, with the petition that accompanied it, to that House;

Who, being returned, reported that he had delivered the papers committed to him, according to order.

On motion,

The bill entitled "An act to repeal an act entitled 'An act directing the punishment of petty larceny, and for other purposes therein mentioned,' " was read a second time.

Ordered to lie on the table.

Adjourned to 3 o'clock this afternoon.

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EODEM DIE, P. M.

Council met. Present the same members.

On motion,

The bill entitled "An act to repeal an act entitled 'An act directing the punishment of petty larceny, and for other purposes therein mentioned,'" was read by paragraphs, and the questions being severally put, was agreed to by Council, and the bill will pass.

Ordered, That Mr. Joshua Polk wait on the House of Assembly with the said bill for concurrence, and also at the same time deliver to that House the petition of Benjamin Williams concerning the bridge over the head of his mill pond;

Who, being returned, reported he had delivered the papers committed to his charge, according to order.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, June 1st, A. M.

Council met. Present the same members as yesterday.

Mr. Nixon, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for raising £10,500 for the service of the year 1785."

On motion, by order, the said bill was read the first time.

Mr. Douglass, a member of Assembly, attending, was admitted and delivered to the Chair the bill for repealing the act directing the punishment of petty larceny, &c., to which the House of Assembly had agreed.

Ordered that the said bill be engrossed.

Adjourned to 3 o'clock this afternoon.

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EODEM DIE, P. M.

Council met. Present the same members.

The last mentioned bill, being engrossed, was compared.

Ordered, That the same be signed by the Speaker; which was done accordingly.

Mr. Broom, a member of the House of Assembly, attending, was admitted and delivered to the Chair the report of a committee appointed by the General Assembly, on the 21st June, 1783, to settle and adjust the accounts of the Loan Office of Kent County so far as related to the estate of John Vining, Esquire, dec'd, signed by Thomas Collins, John Cook and John Clowes, dated April 19th, 1784, with the addition of the Auditor of Accounts to that committee at the time of the report being made; which, being read and considered by Council, the appointment of the Auditor of Accounts is concurred in.

Ordered, That Mr. Craghead wait on the House of Assembly and deliver the said report, concurred in by Council;

Who, being returned, reported he had delivered the report, according to order.

Mr. William Polk laid on the table a petition, signed by nine inhabitants of Sussex County, who represent that they suffer great inconvenience from a road line through a parcel of marsh in Cedar Creek Hundred, and praying that a law may pass the General Assembly to permit the petitioners to erect a gate on said road, to prevent the inconvenience complained of.

On motion, by order, the said petition was read.

On motion, by order,

The bill entitled "An act for raising £10,500, for the service of the year 1785, was read the second time.

[The remainder of the Journal of the Council for the year 1785

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is missing. As shown by the proceedings of the House of Assembly, both houses adjourned on the 6th of June until the 30th day of September. A session of the General Assembly was convened on the twentieth day of October, 1785, and continued until the 5th day of November, when an adjournment took place until the 3d day of January, 1786. The following papers belong to this period]:

Paper sent to the Council, Friday, June 3d, 1785, by the House of Assembly, with a resolution for the payment of £135 : 5s. to the representatives of Thomas Stroud, deceased:

The Auditor of Accounts, having examined the papers accompanying the petition of Thomas Stroud to the General Assembly, which were referred to him, begs leave to report: That it appears to him a vessel belonging to the petitioner was taken or hired by the then President of the State to receive on board the papers of the Continental Loan Office of this State and the records of New Castle County, together with some valuable private property, in order to preserve them from falling into the hands of the enemy, then on their march from the Head of Elk to Philadelphia; that the said vessel, with the above mentioned papers, records, and property on board, lying under the guns of the fort near Wilmington, was taken by the enemy on the morning of the 13th of September, 1777, and received so much damage while in their possession that it cost the petitioner upwards of one hundred and ninety-one pounds ten shillings to repair her, which, together with £15 charged for five days' hire, amounts to the sum of two hundred and six pounds twelve shillings and ten pence, for which he prays to be reimbursed by the State.

The Auditor has taken some pains to obtain the necessary information relative to this business, but has not succeeded to his wish. He therefore prays to be excused from hazarding his single opinion, and to refer the case of the widow (the petitioner having lately departed this life) to the wisdom of the Legislature. One thing he will venture to mention, that as the vessel in question was taken up as well for the purpose of preserving the papers of the Loan Office as the records of New Castle County, the allowance, if any is made, ought, in his opinion, to be paid and borne equally between this State and the United States.

June 3d, 1785. E. McCOMB, *Auditor of Accounts.*

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Message from the Council received in the House of Assembly, June 4, 1785:

Gentlemen:

The Council received the last evening their amendments proposed by them to the bill entitled "An act for the suppression of public marts or fairs," some of which are acceded to and others rejected by your honorable House, and having reconsidered their amendments, still retain the highest sense of their propriety, both on account of their tendency to shorten the bill and preserving the propriety of expression; therefore Council wish your honorable House to reconsider the proposed amendments. But if your House cannot consider the same in the light Council do, and as they conceive the bill necessary and useful, and the object of both Houses, we presume, the same, rather than it should be lost, will recede from their proposed amendments.

List of engrossed bills, to which the Great Seal was ordered to be affixed, by resolution of the House of Assembly, and sent to the Council for concurrence June 4, 1785:

"An act for raising ten thousand five hundred pounds for the service of the year one thousand seven hundred and eighty-five;"

"A supplement to the act entitled 'An act for the better regulating the wharfs, public streets, buildings, party-walls and partition-fences, in the Borough of Wilmington, in the County of New Castle, upon Delaware, and for raising money on the inhabitants of the said borough, for the public use and benefit thereof;' "

"An act to prevent the issuing the writ of *capias ad satisfaciendum*, in certain cases;"

"An act to enable Joseph Oliver, of the County of Kent, his heirs, executors, or administrators, to erect a bridge over Mispillion Creek;"

"An act to repeal an act entitled 'An act directing the punishment of petit-larceny, and for other purposes therein mentioned;"

"An act for the suppression of public marts or fairs;"

"An act for establishing a Militia."

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Messages from his Excellency Nicholas Vandyke, President:

Gentlemen of the General Assembly:

The Secretary will lay before you sundry acts of Congress, which I have received subsequent to the adjournment of the late General Assembly.

The requisition of Congress for this State's computed quota of three million dollars, demanded from the United States, is an object, which, from its importance, requires your earliest attention. The purposes to which this sum is to be applied, and the reason of the demand, are clearly specified in the requisition; and I trust it will be unnecessary to urge any arguments in favor of complying with a measure, the obvious consequence of which is the establishment of foreign and domestic credit.

I beg leave to call your attention to an act of Congress, of the 30th of April, 1784, recommending to the States to vest the United States, in Congress assembled, with powers competent to the protection of commerce, the situation of which claims the attention of the several States, and few objects of greater importance can present themselves to their notice. Without investing the grand council of the empire with such powers, we can never command reciprocal advantages in trade, or restrain such foreign commerce as may not be founded upon principles of equality.

It will appear, from many of the papers now laid before you, that Congress urge in the strongest manner, and with the most forcible reasons, the importance and necessity of a constant representation of the different States, and that each State should be represented, at all times when Congress are sitting, by three members. The dignity and interest of this State, as well as of the Union, are materially concerned in a constant and full representation, and I hope your Honors will take this matter into your serious consideration.

I must also recommend your attention to the other papers transmitted, a compliance with which will tend to promote federal confidence and prosperity.

NICHOLAS VANDYKE.

Dover, October 27, 1785.

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Gentlemen of the General Assembly:

I have this day received, and directed to be laid before you by the Secretary, a letter from the Secretary for Foreign Affairs, dated the 10th instant, accompanied by information that the Regency of Algiers have declared war against the United States of America; and also two other letters, one from the Secretary of Congress, and the other from the Board of Treasury. The first of these is accompanied by an act of Congress of the 12th instant, by which the several States are earnestly called on to complete, without delay, the whole of their quotas of the requisitions of September, 1782, and April, 1784. The other contains accounts of the balances due on the requisitions of Congress, of the 30th of October, 1781, and the 4th of September, and the 16th of October, 1782.

The General Assembly will hereby be enabled to discover what exertions are necessary to be made, on the part of this State, for the important purpose of effectually supporting foreign and domestic credit; an object which, from its extensive consequence to all the States in the Union, I recommend to your serious consideration.

NICHOLAS VANDYKE.

Dover, October 28, 1785.

Minutes of a meeting of both Houses of the General Assembly, held November 4, 1785:

The Council and House of Assembly met in the Council Chamber, agreeable to the order of the day, and proceeded, by joint ballot, to the election of Delegates to represent this State in the Congress of the United States of America until the first Monday in November in the year one thousand seven hundred and eighty-six, and the box containing the ballots being examined by the Speakers of both Houses, in the presence of the members, the Honorable Gunning Bedford, Junior, John Vining, John Patten, Thomas Rodney, and William Peery, Esqs., are declared duly elected.

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MINUTES OF COUNCIL.

1786.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

[The manuscript of the Minutes of the Council for the session commencing January 3, and ending February 3, 1786, is not in the State archives. From the printed Journal of the House of Assembly it is found that the session was adjourned to the 23d of May. The following is a list of the acts passed during the October and January sessions]:

1. "An act for the more effectual preservation of all such ships, or other vessels, and the goods thereof, as shall be forced on shore or stranded upon the coasts of this State, and for other purposes therein mentioned;"

2. "An act to supply the defect occasioned by the loss of certain articles of agreement made between John Brinkle, late of Kent County, since deceased, and James Partridge, of New Castle County, for the exchange of their lands, &c., in the respective counties aforesaid;"

3. "An act to enable the present Trustee of the Loan Office of New Castle County to convey unto Joseph Dickinson, of the said county, his heirs and assigns, a certain tract or parcel of land purchased by the said Joseph of the late Trustees of the said office;"

4. "An act for the recovery of the sum of one thousand five hundred and fifty-three pounds eighteen shillings and six pence, due from the estate of John Vining, Esquire, deceased, formerly one of the Trustees of the Loan Office for the County of Kent;"

5. "An act for the appointment of rangers and regulation of strays;"

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6. "An act to enable the owners and possessors of the tract of meadow, marsh and cripple, situate at Swanwick, in the Hundred and County of New Castle, to keep the banks, dams, canals, sluices and flood-gates in repair;"

7. "An act for devising and establishing seals to be made use of by divers officers in the respective Counties of this State;"

8. "An act to incorporate the President, Directors and Company of the Bank of North America;"

9. "An act to invest the United States, in Congress assembled, with powers for the regulation of commerce for the term of fifteen years;"

10. "An act for continuing the powers of sundry Collectors;"

11. "An act to establish certain free ports within the Delaware State and for the encouragement of commerce."

MEMBERS' NAMES.

FOR NEW CASTLE COUNTY:

THOMAS MCDONOUGH, GEORGE CRAGHEAD, GEORGE READ.

FOR KENT COUNTY:

SILAS SNOW, JAMES TILTON, JOHN BANING.

FOR SUSSEX COUNTY:

JOSHUA POLK, HENRY NEILL, DANIEL POLK.

STEPHEN SYKES, *Clerk Pro. Tem.*

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VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL,

HELD AT DOVER, MAY 29TH, A. D. 1786.

A sufficient number of members to compose a House not attending, the Council adjourned from day to day until Friday, the second day of June, 1786.

FRIDAY, 2d June, 1786, A. M.

The following members appeared in Council, viz:

For New Castle County—Thomas McDonough, George Craghead.

For Kent County—Silas Snow, James Tilton, John Baning.

And the said members being so met, it appearing that the Clerk of the Council, James Sykes, Esq., from his indisposition, was unable to attend at this time, the Council proceeded to the choice of a Clerk *pro tempore*, and Stephen Sykes was unanimously chosen.

Stephen Sykes appeared in the Council, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and also took the oath of office as Clerk of the Council. [*See note on page 11.*]

Mr. Craghead presented to the Chair a petition, signed by a number of the inhabitants of New Castle County, members of the Presbyterian congregation in Mill Creek Hundred, where the

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Reverend Mr. John McCreary officiates, praying leave to bring in a bill to incorporate the said congregation; as also a petition, signed by the members of the Presbyterian Church at the head of Christiana, in White Clay Creek Hundred, in the County of New Castle, praying leave to bring in a bill for the incorporation of the said congregation.

On motion, ordered that the same be read; which was done accordingly.

On motion, ordered that the said petitions be referred to a committee of two, to report thereon, to wit: Mr. Baning and Mr. Tilton.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. Speaker laid on the table a letter addressed to him from the Chairman of Congress, containing a report of a committee concerning the system of general revenue.

On motion, by order, the said letter was read, and also the report of the committee.

Mr. Craghead presented to the Chair a petition from divers inhabitants of New Castle County, praying an alteration in the mode of making and repairing the public roads, and for the collecting the poor of the said county into one house.

On motion, by order, the said petition was read.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

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SATURDAY, A. M., June 3, 1786.

Council met. Present the same members as on yesterday.

The committee to whom were referred the petitions of divers inhabitants of New Castle County, members of the Presbyterian churches of White Clay Creek and of Mill Creek Hundreds, praying leave to bring in a bill to incorporate the said congregations, now brought in their report; which was read, and follows in these words:*

On motion, ordered,

That Mr. Baning, Mr. Tilton, and Mr. Snow are appointed a committee to bring in a bill for granting a general charter of incorporation to all the churches and religious societies of every Christian denomination, agreeable to the recommendation of the committee in their report upon the petitions of the members of the said churches, &c.

Adjourned to Monday next at 10 o'clock in the morning.

MONDAY, June 5th, A. M.

Council met pursuant to adjournment.

Mr. Joshua Polk appeared in Council and took his seat.

On motion, by order,

The bill entitled "An act for laying a rate or duty on certain offices and lowering the salaries of the Justices of the Courts of Common Pleas and Orphans' Courts, and for other purposes," was read.

Adjourned to 3 o'clock.

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* This report does not appear on the record.

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EODEM DIE, P. M.

Council met according to adjournment.

The committee appointed to prepare and bring in a bill for the more equal assessment of the property of the inhabitants of this State, as also of the property in the same belonging to inhabitants of any other State, now laid one on the table; which was read.

Ordered to lie on the table.

On motion, by order,

The bill entitled "An act for the further security of Government," was read a second time and unanimously rejected.

Ordered, That Mr. Craghead wait upon the House of Assembly and return the bill entitled "An act for the further security of Government," and inform them that Council have rejected the same.

On motion, by order,

The bill for laying a rate or duty on certain offices, &c., was read a second time.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY MORNING, June 6th, 1786.

Council met pursuant to adjournment.

Mr. Read appeared in Council and took his seat.

On motion, by order,

The bill entitled "An act for the more equal assessment of

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property within this State, and for other purposes therein mentioned," was read a second time.

Ordered to lie on the table.

Mr. Craghead, having returned, reported that he had delivered to the Speaker of the House of Assembly the bill entitled "An act for the further security of Government."

On motion,

Resolved, That Council will go into a third reading of the bill entitled "An act for laying a rate or duty, &c.," to-morrow afternoon.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

The House now went into the consideration of the bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," and after some time spent therein it was committed to Mr. Read, Mr. Snow, and Mr. Polk, to report thereon.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, June 7th, 1786, A. M.

Council met according to adjournment.

Mr. Patten, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: A supplementary bill to the act vesting Congress with power to levy duties, &c.; letter from the Chairman of Con-

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gress, recommending a revision of the impost law; petitions from Joseph Tatlow to the General Assembly of the Delaware State; a memorial of Richard Bassett, Esquire, and the report upon the petition of Joseph Tatlow and memorial of Richard Bassett; Auditor's report upon the first petition of Joseph Tatlow, and the depositions of Samuel Fisher and Joseph Tatlow, with a certificate of Thomas Carrell, Deputy Quartermaster, and another of General Mifflin, Quartermaster-General; which said papers were severally read.

Council resumed the consideration of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," and after some time spent therein, resolved that Council will go into a third reading of the said bill on the day after to-morrow, in the forenoon.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Council now went into the consideration of the bill entitled "An act for the laying a rate or duty on certain offices, &c.," and after some time spent therein, it was deferred for further consideration.

The committee appointed to bring in a bill for granting a general charter of incorporation to all religious societies of every Christian denomination, now laid one on the table; which was read.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning,

THURSDAY, June 8th, 1786, A. M.

Council met and adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met pursuant to adjournment.

The committee to whom was committed the bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," now informed Council that they had made some progress in that business, but had not been able to finish the same, and desired a longer time; which was granted.

A petition from divers of the inhabitants of New Castle County, praying an alteration in the law for maintaining public roads, was presented to the Chair and read.

Ordered to lie on the table.

Council now resumed the consideration of the bill entitled "An act for laying a rate or duty on certain offices, &c.," and after some time spent therein, the same was again deferred for further consideration.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, June 9th, 1786.

Council met according to adjournment.

Council, agreeable to the order of Wednesday, went into the further consideration of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," and after some time spent therein, the still further consideration was deferred until this afternoon.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met. Present the same members.

On motion, the memorial of Richard Bassett, and the resolution of the House of Assembly thereon, was read a second time, and thereupon the Council concurred in opinion with the House of Assembly that the General Assembly, at their present sitting, should proceed to the appointment of persons as Judges of the Court of Appeals for this State, agreeable to the 17th section of the Constitution, but

Resolved, That such appointment, on the part of the Council, be postponed until the bill proposed by the House of Assembly, in their resolutions aforesaid, for ascertaining the allowance to the said Judges, &c., shall have been acted upon by the Council.

Ordered, That the foregoing be transcribed and sent to the House of Assembly.

STE. SYKES, *Cl'k P. T.*

Ordered, That Mr. Tilton wait upon the House of Assembly with the foregoing motion and resolution;

Who, being returned, reported he had delivered the same to the Speaker of that House, the House of Assembly having adjourned for that day.

On motion, Council now resumed the consideration of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," and after some time spent therein the same was recommitted to the gentlemen on the first committee, to which were added Messrs. Read and Craghead.

Adjourned to 10 o'clock to-morrow morning.

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SATURDAY, June 10th, 1786, A. M.

Council met according to adjournment.

On motion, by order,

The bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, who shall be a body corporate for the purpose of taking care of the temporalities of their respective congregations," was read a second time, and the same was recommitted to the gentlemen on the first committee, to which Mr. Read was added.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met pursuant to adjournment, and adjourned to 10 o'clock on Monday morning.

MONDAY, June 12th, 1786, A. M.

Council met according to adjournment. Present the same members.

The committee to whom was committed the bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," now reported several amendments, which were read.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met according to adjournment.

The Council now proceeded in the consideration of the bill entitled "An act for raising twenty-one thousand pounds for the service of the year 1786," with the several amendments proposed thereto, and after making considerable progress therein the same was deferred to further consideration.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, June 13th, 1786, A. M.

Council met pursuant to adjournment. Present the same members.

Council now went into the consideration of the bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," and the amendments proposed thereto by the committee appointed to report thereon, and upon debating the 45th amendment, which is as follows:

But whereas it is just and reasonable to provide for the discharge of such of the certificates to be given for interest due, as well on all Continental Loan Office certificates issued from the office in this State, as on liquidated debts of the United States, due to the inhabitants of this State, which may not have been received from the taxables by any of the County Collectors; be it therefore enacted that the State Treasurer is hereby authorized and required, so often as he shall have any monies in his hands under this act, where the proportion is greater than one-third of the amount of the interest certificates aforesaid, to exchange, without fee or reward therefor, any such interest certificates that may be brought to him for that purpose, paying the amount thereof, in specie, to the bearer, from the said overplus propor-

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tion, and that the holders of such interest certificates may have notice when to attend the State Treasurer for this purpose, he is hereby also authorized and required, at the expense of the State, to give public notice, by advertisement, to be inserted in the Delaware Gazette, when and where such holder may attend him for exchange as aforesaid.

And on the question to agree to the same, the yeas and nays were required by Mr. Read, and are as follows:

Yeas—Mr. Craghead, Mr. Read, Mr. J. Polk, Mr. Snow, and Mr. Bassett.

Nay—Mr. Tilton.

As also the 46th amendment, which is as follows: And to the end that the taxables, within this State, who may hold any certificates of liquidated debts of the United States, and that all holders of Loan Office certificates issued from the Office in this State may obtain certificates for all the interest due thereon, to the last day of the year 1784, in a reasonable time after the passing of this act, for the purpose of discharging the two-thirds part of their tax therewith, or otherwise obtaining the exchange directed to be made as aforesaid; and the General Assembly of this State, considering the provisions in this act as a compliance with the first hereinbefore recited requisitions of Congress, be it therefore enacted, that if the Commissioner of the Continental Loan Office of this State shall refuse or neglect to settle and certify the interest due on any of the certificates aforesaid, to the last day of the year 1784, upon reasonable application to him made, at any time after one month from the passing of this act, that it shall and may be lawful for the President or Commander-in-Chief, for the time being, and he is hereby authorized and required, upon any and every complaint to him made, and supported by an oath or affirmation of the party, or any credible witness, of such refusal or neglect in the Commissioner of the Continental Loan Office aforesaid, forthwith to summons the Privy Council, notifying the Commissioner and the party complaining to attend the meeting thereof, and then proceed into the inquiry of the facts of refusal or neglect aforesaid, and if the same shall be made clearly to appear, to the satisfaction of the President and Privy Council, the President is hereby authorized and required to issue his proclamation declaring a suspension of the collection of taxes, directed to be made by this act, until such

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cause of complaint, as aforesaid, shall be removed, and when and as often as the President and Privy Council shall have satisfactory evidence that it shall be so done, the President, with the advice of the Privy Council, is hereby also authorized and required to take off such suspension and revive the collection of the taxes aforesaid by other proclamation for that purpose to be issued, anything herein before contained to the contrary notwithstanding.

And on the question to agree to the same, the yeas and nays were required by Mr. Read, and are as follows:

Yeas—Mr. Craghead, Mr. Read, Mr. J. Polk, and Mr. Snow.

Nays—Mr. Tilton and Mr. Baning.

So it passed in the affirmative.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met and proceeded in the consideration of the bill entitled "An act for raising twenty-one thousand pounds for the service of the year A. D. 1786," with the amendments proposed thereto, and having made considerable progress therein, adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, June 14th, 1786, A. M.

Council met according to adjournment.

Mr. Daniel Polk appeared in Council and took his seat.

The Council now went into the further consideration of the several amendments proposed to the bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," and after some time spent therein, the amendments were agreed to.

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Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence.

The said amendments being transcribed and compared,

Ordered, That Mr. Craghead wait upon the House of Assembly with the said bill entitled "An act for raising twenty-one thousand pounds, &c.," with the amendments proposed thereto by Council;

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The supplementary bill to the act vesting Congress with power to levy duties, &c., was read a second time.

Mr. McLane, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bundle of papers respecting the proceedings of the House of Assembly upon the accounts of John McKinly, Esquire, with the said accounts and papers relative thereto.

Ordered, That Mr. Snow wait upon the House of Assembly and return the supplementary bill to the act vesting Congress with power to levy duties, &c., with a paper of amendments proposed thereto, and a letter from the Chairman of Congress, recommending a revision of the impost law;

Who, being returned, reported he had delivered the same according to order.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

On motion, by order, the accounts of John McKinly, Esquire, with the papers relative thereto, were read.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

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THURSDAY, June 15th, 1786, A. M.

Council met according to adjournment. Present the same members as on yesterday.

On motion, by order,

The accounts of John McKinly, Esquire, with the papers relative thereto, were read a second time.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met, and in the consideration of the proceedings of the House of Assembly respecting the accounts of John McKinly, several amendments were proposed and agreed to.

Ordered, That the said amendments be transcribed and sent to the House of Assembly for their consideration.

The said amendments being transcribed and compared,

Ordered, That Mr. Joshua Polk wait upon the House with the amendments aforesaid proposed by Council to the proceedings of the House of Assembly respecting the accounts of John McKinly, Esq., together with the said accounts and all the papers relative thereto;

Who, being returned, reported the delivery thereof according to order.

Mr. Nixon, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: A bill for printing and emitting twenty-one thousand pounds in Bills of Credit, to be let out on loan, and providing a fund for sinking the same; a message to the Council from the House of Assembly respecting the said bill; three petitions, praying relief

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from the distresses occasioned by the scarcity of money; report of the committee upon the papers accompanying the President's Message of the 9th instant; resolutions appointing commissioners, &c.; paper having the names of the commissioners proposed to meet commissioners from the other States, &c, with a message from the President, with a bundle of papers;

And in the course of the reading the said papers, Council took into consideration the resolution of the House of Assembly appointing commissioners to meet commissioners, &c., and their nomination of persons to fill up the blank in said resolution, and the said resolution proposing the persons for the purpose aforesaid was rejected.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, June 16th, 1786, A. M.

Council met.

On motion, by order, the message from the House of Assembly to the Council respecting the bill for printing and emitting twenty-one thousand pounds in Bills of Credit, to be let out on loan, and providing a fund for sinking the same, and the aforesaid bill, and also three petitions, praying relief from the distresses occasioned by the scarcity of money, were read.

Council, upon considering the aforesaid bill for emitting twenty-one thousand pounds in Bills of Credit, &c., do reject the same.

Mr. Tilton, Mr. Snow, and Mr. D. Polk are appointed a committee to prepare an answer to the message from the House of Assembly, in which answer the reasons inducing Council to reject the said bill are to be expressed.

Council took into consideration the resolutions transmitted yesterday respecting the appointment of commissioners, &c., and several amendments were proposed thereto and agreed to.

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Ordered, That the same be transcribed and sent to the House of Assembly for their consideration, together with the following verbal message:

Gentlemen:

Your resolve of yesterday, proposing the names of five persons as commissioners, to be inserted in the transmitted resolutions as to the intended meeting at Annapolis, for conferring on the trade of the United States and forming a system of commercial regulations for the adoption of all the States in the American Union, is returned to you as rejected by Council, for that, agreeable to the rules laid down by the General Assembly of this State, in the session of February, 1777, and regularly persevered in as to all appointments to offices of public trust of importance since that time, such appointments have been made under the regulations then adopted respecting the choice of civil officers of the State, Delegates to Congress, and the Continental Loan Officer, &c., by the two Houses meeting together for the purpose of nominating a number of persons for the consideration and comparison of their fitness for the service to be performed, and after to elect by ballot. These rules of nomination and election the Council conceive it right and incumbent on them to adhere to, as well with respect to the commissioners to be inserted in the blank left for their names in the resolution aforesaid as to all other nominations to be made of civil officers, commissioners, &c., necessary to be appointed in the present session; and as its continuance will probably be short, the Council therefore propose to the House of Assembly that a meeting be had of the members of both Houses, in the Council Room, at 6 o'clock this afternoon, for the purpose of general nomination as aforesaid.

Ordered, That Mr. Craghead wait upon the House of Assembly with the resolutions of that House respecting the appointment of commissioners, with the several amendments proposed thereto by Council, as also with the above verbal message from Council to that House.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met.

Mr. Craghead, being returned, reported the delivery of the above mentioned message from Council to the House of Assembly, according to order.

Mr. McLane, a member of the House of Assembly, attending, was admitted and returned to the Chair the following papers: The resolutions of the Assembly appointing commissioners, &c.; the verbal message sent this morning from the Council to the House of Assembly; the paper of amendments proposed by the Council to the said resolutions of the House of Assembly, with a paper of amendments proposed by the House of Assembly to the said amendments of Council, with the following verbal message to the Council:

Gentlemen:

The House of Assembly having taken into consideration your verbal message delivered this afternoon, respecting the mode of nominating and appointing commissioners to form, with the commissioners from the other States in the Union, a convention for the purpose of framing and reporting a system of commercial regulations, &c., do concur in the mode proposed; and will meet Council for that purpose, at the time and place therein mentioned.

The amendments proposed by the House of Assembly to those of Council, as also the verbal message from the House of Assembly, were read, and the amendments of the House of Assembly to those of Council were acceeded to.

The Council and the House of Assembly met in the Council Chamber for the purpose of electing Commissioners, agreeable to the appointment of both Houses, and the ballots being taken and examined, George Read, Jacob Broom, John Dickinson, Richard Bassett and Gunning Bedford, Esquires, were declared duly elected commissioners to meet commissioners from the other States in the Union, for forming a system of commercial regulations; and William Killen, Gunning Bedford and John Jones, Esquires, Mr. Robert Armstrong and Eleazar McComb, Esq., were declared duly elected commissioners to meet commissioners

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from the States of Pennsylvania and Maryland, for the purpose of digesting measures for effecting a navigable communication between the Bays of Chesapeake and Delaware, and for the other purposes mentioned in the resolution on this subject.

[A page of the journal here is blank, the space evidently being left for the purpose of recording an omission of part of Friday afternoon's and Saturday morning's proceedings.]

Ordered, That Mr. Snow return to the House of Assembly the following papers: The resolution of that House appointing commissioners from this State to meet commissioners from the other States, with the amendments proposed thereto by Council, as also a paper of amendments proposed by the House of Assembly to those of the Council, to which Council had agreed; with a verbal message from Council to the House of Assembly, which was returned to this House yesterday, with the several papers relative to the subject of commercial regulations and the improvement of inland navigation, and a letter from his Excellency, Wm. Smallwood, Esq., accompanying the resolutions of Maryland;

Who, being returned, reported the delivery thereof according to order.

The committee appointed to prepare a message to the House of Assembly in answer to a message received from that House on the subject of the bill for printing and emitting twenty-one thousand pounds, &c., in which first mentioned message the reasons and principles upon which Council do reject the said bill were to be expressed, now laid one on the table; which was read.

On motion, by special order, the said message was read a second time.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present all the members, except Mr. Joshua Polk and Henry Neill.

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Some amendments being proposed to the message from Council to the House of Assembly in answer to their message of yesterday and agreed to,

Ordered, That the same be transcribed and sent to the House of Assembly.

Ordered, That Mr. Polk wait upon the House of Assembly with the following verbal message:

"That the President's Message of the ninth instant, accompanied with Secretary Thompson's letter of the first of April last, mentioned a copy of the Journal of Congress. The Council wish to have a view of them for information relative to some business now under their consideration."

Who, being returned, reported the delivery thereof according to order.

Mr. Garrett, a member of the House of Assembly, attending, was admitted and delivered the following verbal message, which was read, and follows:

Gentlemen:

The House of Assembly propose to your honorable House, that both Houses meet, at six o'clock this evening, in the Council Chamber, for the purpose of putting into nomination persons, out of whom one shall be elected by ballot, to fill the vacancy occasioned by the death of Richard Lockwood, Esq., one of the Justices of the Court of Common Pleas and Orphans' Court for the County of Kent.

It appears to this House, that the accounts exhibited on behalf of this State against the United States, cannot be adjusted for want of vouchers produced to authenticate, support, and explain the said accounts; and the Commissioner heretofore appointed by this State for that purpose, conceiving that he hath completed the duties of his appointment, hath declined taking any further measures on this subject. In order, therefore, to effectuate a speedy completion of that business, this House propose to meet the Council at the time and place above mentioned, for the nominating of persons for the purpose of electing thereout a Commissioner to procure sufficient, or the best attainable vouchers, to support the accounts of this State against the United States, and

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for transacting, with the Commissioner of the said United States, all the necessary business relative to this important object.

Ordered, That Dr. Tilton wait upon the House of Assembly with the bill for printing and emitting twenty-one thousand pounds, &c., with the three petitions, praying relief from the distresses occasioned by the scarcity of money, as also the message from Council to the House of Assembly in answer to a message from that House respecting the said bill for printing and emitting, &c.;

Who, being returned, reported the delivery thereof according to order.

A MESSAGE FROM THE COUNCIL TO THE HOUSE OF ASSEMBLY IN ANSWER TO THEIR MESSAGE OF THURSDAY LAST.

Gentlemen:

We have considered the bill for emitting £21,000 on loan; also for suspending executions for a limited time; and after the most impartial and candid examination of it, have disagreed thereto.

We will not take up your present time with long and defensive arguments, but will mention concisely some of the leading or principal reasons which have influenced our conduct, and hope they will be satisfactory.

We know that previous to the Revolution happy concurrence of circumstances gave an advantageous credit to our paper currency, but since that period all experience serves to show that nothing short of a bank, or fund, at which paper may be exchanged, at pleasure, for hard money, can prevent the former from depreciation.

A paper currency, issued upon the principle proposed by your honorable House, would not pass in the taxes of the State for Continental use, nor, in our apprehension, be current for any purpose whatsoever anywhere without the State, and consequently must fail to answer our most necessary occasions. We are therefore of opinion that instead of affording relief to the people, the measure proposed would injure the estates of industrious and worthy citizens, and depreciate the morals of others in the same proportion as the money itself depreciated.

The facilities to be issued from the Continental Loan Office of

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this State, agreeable to the Tax Bill now pending with the General Assembly, will answer most purposes of a circulating paper medium. Being payable in Continental taxes, it will of course become a currency in most cases. An additional quantity of paper money, in the opinion of Council, would so far exceed the due proportion of paper to hard money within the State, as to depreciate the facilities, and thereby deprive us of the only circulating paper we can, at this time, reasonably hope to establish.

Permit us, gentlemen, before we close our address, to suggest our opinion of the source of those distresses which you so feelingly mention; and we hope you will be persuaded of our desire to concur with you in every measure of public utility, when we have pointed out to you the means of redressing these evils which we suffer from being in debt and involved one with another.

This kind of distress, we conceive, can only proceed from men's living beyond their income, or speculating indiscreetly upon their neighbors' property, and but very rarely from inevitable misfortune.

The plain and obvious means of redress then will be a strict and uniform course of justice, and we apprehend the Legislature cannot more effectually contribute to the end proposed than by a further limitation and restriction upon book debts, and a regulation, as well in the form of the warrant of attorney, usually annexed to bonds given for payment of monies, as of the manner used in proceeding thereon in the courts of justice, for that in their present form and use they have tended rather to create an artificial credit than otherwise. THO. McDONOUGH.

A VERBAL MESSAGE FROM THE COUNCIL TO THE HOUSE OF ASSEMBLY.

Gentlemen:

The Council agree to the propositions contained in the verbal message from your honorable House of Saturday afternoon, to meet in the Council Chamber for the purpose of putting into nomination persons as well to fill the vacant seat on the bench of the Common Pleas Court in the County of Kent, as also a Commissioner of the Public Accounts of this State against the United States. Council therefore propose the hour of seven, this afternoon, for the purpose aforesaid.

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Mr. Emmerson, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers: Resolutions appointing Commissioners, &c., the paper of amendments proposed thereto by the Council, and also a paper of amendments and an additional amendment by the House of Assembly.

Adjourned to 10 o'clock on Monday morning.

MONDAY, June 18th, 1786, A. M.

Council met and adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members, except Mr. Joshua Polk.

Mr. Neill now appeared in Council and took his seat, having first informed Council that he was unable to attend sooner on account of his indisposition; he is therefore excused.

The Speaker having received the following papers: The bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," the paper of amendments proposed by Council to the said bill, to many of which said amendments the House of Assembly do disagree, with a paper of additional amendments proposed by the House of Assembly to the aforesaid bill, now laid them on the table.

The amendments proposed by Council to the said bill, and those amendments proposed by the House of Assembly, were read.

Adjourned to 10 o'clock to-morrow morning.

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TUESDAY, June 19th, 1786, A. M.

Council met according to adjournment, and went into the consideration of such of their amendments proposed to the bill entitled "An act for raising 21,000 pounds, &c.," as were disagreed to by the House of Assembly, and after some time spent therein, Council adjourned until three o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, by order,

The verbal message proposed to be sent to the House of Assembly on Saturday last from Council, but was prevented by the adjournment of that House, be postponed until the passing of the bill for raising £21,000 for the service of the year 1786 by Council.

Council then proceeded to the further consideration of their amendments proposed to the said bill and rejected in part by the House of Assembly, together with the amendments proposed by the House of Assembly to said bill; and upon the question to agree to the following amendment proposed to their 45th original amendment, viz:

"When and as soon as he shall have received, under this act, any greater sum in specie than five thousand six hundred and ten pounds fifteen shillings, the one-third of the remaining moiety of the eight million of dollars aforesaid, he is hereby authorized and required to exchange, without fee or reward therefor, any such interest certificates aforesaid that may be brought to him for that purpose, paying the amount thereof in specie to the bearer out of any such overplus proportion, and that at any time between the passing of this act and the 31st day of May next."

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The yeas and nays were required by Mr. Tilton, which were as follows, viz:

Yeas—Mr. Craghead, Mr. Read, Mr. Snow, Mr. Baning, Mr. Neill, Mr. D. Polk.

Nay—Mr. Tilton.

An amendment was proposed by Council to their 46th original amendment, viz:

"That in case of the refusal of the Commissioner of the Continental Loan Office for this State to issue certificates of interest due on Loan-Office certificates issued from the office of this State, and other liquidated debts of the United States due to the inhabitants of this State, the President be directed to issue his summons for calling the General Assembly together, at Dover, to take under their notice and determine upon such refusal or neglect."

The question being put, "Will the same be agreed to?" the yeas and nays were required by Mr. Tilton, and were as follows:

Yeas—Mr. Craghead, Mr. Read, Mr. Baning, Mr. Daniel Polk.

Nays—Mr. Snow, Mr. Tilton.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, June 21st, 1786, A. M.

Council met and adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met. Present the same members.

Mr. Shankland, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: A supplementary bill to the act for calling in and destroying the Bills of Credit, &c.; a memorial of Simon W. Wilson; which said papers were read.

Mr. Read, appointed yesterday to prepare a message to the House of Assembly, now laid one on the table; which was read.

Adjourned until 10 o'clock to-morrow morning.

THURSDAY, June 22d, 1786, A. M.

Council met according to adjournment.

Mr. Patten, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: Resolutions for negotiating a loan from the bank; a message from the President to the General Assembly; a resolution respecting an adjournment; with a copy of the continuation of the Journals of Congress from the 3d of March last to the 2d instant, and a copy of the Treaty of Amity and Commerce lately concluded between the United States of America and his Majesty the King of Prussia, mentioned in the said message from the President; which said papers were read.

The Council now went into the consideration of the message proposed to be sent to the House of Assembly, and after some time spent therein the same was agreed to.

Upon the question to agree to the same, the yeas and nays were required by Mr. Tilton, and are as follows:

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Yeas—Mr. Craghead, Mr. Read, Mr. Snow, Mr. Neill, Mr. D. Polk, Mr. Baning.

Nay—Mr. Tilton.

So it passed in the affirmative.

Ordered, That Mr. Craghead wait upon the House of Assembly with the following papers, to wit: The bill entitled "An act for raising twenty-one thousand pounds for the service of the year 1786, with the first paper of amendments proposed thereto by Council and still adhered to; the second paper of amendments proposed to the said bill by the House of Assembly, and also with a third paper of amendments proposed by the Council to some of their original amendments to said bill, with the above mentioned message from Council to the House of Assembly; and also with resolutions ascertaining the duty of Commissioners of the Continental Loan Offices; a letter of Secretary of Congress, dated 15th October, 1785, with resolutions of Congress of September, 1782, and October 12th, 1785.

Mr. Craghead, being returned, reported the delivery thereof according to order.

On motion, by order,

The supplementary act to an act entitled "An act for calling in and destroying such of the Bills of Credit emitted by virtue of any law of this State, passed under the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned," was read a second time.

Ordered, That Mr. D. Polk wait on the House of Assembly with the following verbal message:

A MESSAGE FROM THE COUNCIL TO THE HOUSE OF ASSEMBLY.

Gentlemen:

The Council had deliberated upon and acceded to the proposition contained in the verbal message from your honorable House of Saturday afternoon, and were preparing to transmit the same, when a member of your honorable House informed Council of their adjournment for the day; since which Council acted upon the tax bill in such way that, in their opinion, another vacancy in a public office, to wit: that of State Treasurer, may be necessary

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to be supplied by nomination and ballot. Therefore it is that Council now declare their readiness to meet the House of Assembly for the purpose of putting into nomination persons to supply any vacancies necessary to be filled by the choice of the General Assembly generally, or in conjunction with his Excellency, the President, at any time and place which your honorable House may propose.

Mr. D. Polk, being returned, reported the delivery of the above message to the Speaker of the House of Assembly.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

Ordered, That Mr. Snow wait upon the House of Assembly with the following papers: Resolutions appointing Commissioners, &c.; first paper of amendments proposed thereto by Council and a second paper of amendments proposed by House of Assembly, and a resolution of Council respecting the canal business;

Who, being returned, reported the delivery thereof according to order.

Mr. Clark, a member of the House of Assembly, attending at the door, was admitted and delivered to the Chair a message from the House of Assembly to Council, which follows in these words:

A MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

Gentlemen:

The House of Assembly have taken into consideration the several amendments proposed to the bill entitled "An act for raising £21,000 for the service of the year 1786," and also the message from your honorable House containing the reasons upon which you proposed and still adhere to your amendments; but as the session draws near to a conclusion, time will not permit us

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to state to the Council the principles which induce this House to reject divers of your amendments, yet, from a conviction of the necessity of giving efficacy to a bill so essentially requisite to the honor of the State and the dignity of the Federal Government, this House are desirous of adopting the most conciliatory and speedy measures to effect a concurrence of sentiment, and therefore propose to the Council a committee of conference on the subject matter of the disputed amendments, and have appointed Mr. Bedford, Mr. Patten, and Mr. Mitchell conferees on the part of this House.

Signed by order of the House of Assembly,

THOMAS DUFF, *Speaker.*

On motion of Mr. Tilton,

That this House appoint a committee of conferees to confer with the committee of the House of Assembly on the subject matter of the amendments proposed by Council to the bill for raising £21,000 for the service of the year 1786, and divers of them disagreed to by the House of Assembly before the Council shall be in possession of the reasons the House of Assembly had for such disagreement;

And the question being put, the yeas and nays were desired by Mr. Tilton, and are as follows, viz:

Yeas—Mr. Snow, Mr. Tilton, Mr. Baning.

Nays—Mr. Read, Mr. Neill, Mr. D. Polk.

The House being divided, Mr. Speaker gave his voice against the motion, and it was determined in the negative.

Adjourned to 10 o'clock to-morrow morning.

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FRIDAY, June 23d, 1786, A. M.

Council met. Present the same members as yesterday.

Ordered, That the motion and resolution of the Council respecting the appointment of a committee of conferees to confer with the committee of the House of Assembly on the subject of the amendments proposed by the Council to the tax bill, before Council should be in possession of the reasons the House of Assembly had for such disagreement, be transcribed and sent to the House of Assembly, together with the following message from Council to the House of Assembly:*

Mr. Neill is appointed to deliver the said transcribed motion and resolution and the said message; who, being returned, reported the delivery thereof accordingly.

Mr. Mitchell, a member of the House of Assembly, attending, delivered to the Chair a bill for the suppression of idleness, vice, and immorality; which said bill was read.

On motion, by order,

The resolutions for negotiating a loan from the bank were read a second time, and after some time spent in the consideration thereof the same was rejected.

Ordered, That the same be returned to the House of Assembly. Said resolutions follow in these words:

IN THE HOUSE OF ASSEMBLY, June 21, 1786.

Resolved, That ——— ——— be and are hereby appointed Commissioners on behalf of this State to negotiate a loan with the President, Directors, and Company of the Bank of North America, for any sum not exceeding fifteen thousand pounds, to be repaid in annual installments, to commence from the expiration of one year from the receipt of such money, on such terms and conditions as they shall think most advantageous to the interest of this State; and the said Commissioners are hereby authorized and empowered to pledge the faith and honor of this

* This message is omitted by the Clerk.

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State for the repayment of the said sum, with an annual interest of six per centum on the same, till the whole principal is refunded, with the accruing interest thereon.

And the said Commissioners are further authorized and empowered to pledge the faith of this State (if the said President, Directors, and Company aforesaid should think it necessary,) that this State will pass a legislative act confirming any contract so entered into by their said Commissioners, and making provision therein for the repayment of the said money on the terms and conditions that may be agreed upon between the said Commissioners and the President, Directors, and Company aforesaid.

Extract from the secret journals, the members of the House of Assembly having been enjoined to secrecy respecting the preceding resolution.

JAS. BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

Thus acted upon in Council, June 23, 1786. Read, considered and rejected.

STE. SYKES, *Cl'k of Council P. T.*

The Council adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

Mr. Nixon, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: Resolutions appointing Commissioners, &c.; a resolution of Council respecting the canal business; with the paper of amendments proposed by the Council to the resolutions of the House of Assembly respecting the appointment of Commissioners, &c., on the trade of the United States, with the following message to the Council from the House of Assembly:*

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* Omitted by Clerk.

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On motion, the said message is referred to a committee of two, viz: Mr. Read and Mr. D. Polk, to report thereon, who are to state the reasons of Council for receding from their determination respecting the proposal of appointing a committee of conferees to confer on the subject matter of the amendments proposed to the tax bill.

On motion,

Ordered, That Mr. Read, Mr. Neill, and Mr. Baning be a committee of conferees to confer with the committee of the House of Assembly on the subject matter of the amendments proposed by Council to the bill for raising £21,000 for the service of the year 1786, and divers of them disagreed to by the House of Assembly.

Adjourned to 9 o'clock to-morrow morning.

SATURDAY, 24th June, 1786, A. M.

Council met. Present the same members.

The committee appointed to prepare an answer to the message from the House of Assembly to Council, and to whom the said message was referred to report thereon, now laid on the table the following message; which, by order, was read; the same, by special order, was read a second time and agreed to, in these words:*

The supplementary bill to the act for calling in and destroying the Bills of Credit, &c., was now read a third time, and an amendment being proposed and agreed thereto,

Ordered, That Mr. Tilton wait upon the House of Assembly with the said bill and paper of amendment, with the memorial of Simon W. Wilson.

Mr. Tilton, being returned, reported the delivery thereof according to order.

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*Omitted by the Clerk.

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The bill for the suppression of vice and immorality, was now read a second time, and some amendments proposed thereto and agreed to.

Ordered, That the said amendments be transcribed and sent, with the said bill, to the House of Assembly for their consideration and concurrence.

Ordered, That Mr. Snow wait upon the House of Assembly with the said bill and the paper of amendments proposed by Council thereto;

Who, being returned, reported the delivery, &c.

Ordered, That the resolution of Council yesterday afternoon respecting the appointment of conferees to confer with the committee of the House of Assembly on the subject matter of the amendments proposed by the Council to the bill for raising £21,000 for the service of the year 1786, be transcribed and sent to the House of Assembly; which was done, and, with the above message from Council to the House of Assembly, sent to the House of Assembly.

Ordered, That Mr. D. Polk wait upon the House of Assembly with the above resolution and message;

Who, being returned, reported the delivery thereof according to order.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

The committee of conferees appointed to confer with the committee of the House of Assembly on the subject matter of the amendments proposed by Council to the bill for raising £21,000 for the service of the year 1786, now made their report, to which Council agreed.

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On motion,

Ordered, That the said bill be transmitted to the House of Assembly, together with the paper of amendments, as also with the paper of amendments proposed by the committee of conferees.

Ordered, That Mr. Craghead wait upon the House of Assembly with the aforesaid bill and several papers of amendments proposed thereto;

Who, being returned, reported the delivery thereof according to order.

On motion, that the sense of Council be taken whether Mr. Tilton have leave to enter at large upon the minutes of Council his reasons for disagreeing to sundry amendments proposed by Council to the bill for raising £21,000, &c., and for protesting against a message from the Council to the House of Assembly of the 22d instant, agreeable to leave then had and obtained of Council; and the question being put, it was resolved in the affirmative.

Whereupon Mr. Tilton laid on the table a paper exhibited as containing his reasons for his disagreement and protest, which follows in these words:

1st. Because the end proposed by the first amendment, for increasing the sum to be raised, and all the numerous amendments dependent thereon, is allowable in another way, and more to the advantage of the State. Instead of paying one-third of the requisition of the 4th of September, 1782, in specie, agreeably to the intention of this amendment, it is admitted the whole might be paid in facilities. By a separate provision then for this requisition, such as we have reason to believe the House of Assembly intend, our tax laws would be more simple and easily executed, more facilities might be brought into circulation, and as their value would be enhanced, they would circulate more currently and be of greater public utility; and in proportion as this State is enabled easily and speedily to comply with the requisitions of Congress, the Federal Government will be benefited.

2d. Because the Articles of Confederation expressly declare that the proportion of taxes to be raised by each State in the

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support of the Federal Government, shall be laid and levied by the authority and direction of the Legislatures of the several States, *within the time agreed upon by the United States in Congress assembled;* and the United States have required the Legislatures of each State in the Union, to provide, in the act complying with their requisition of the 27 Sept., 1785, that, if on the first day of January, 1787, the said State's quota of facilities shall not be in the hands of the State Treasurer, or other proper officer, the deficiencies shall be collected and paid into the Continental Treasury, in specie; therefore the 44th amendment for postponing the completion of this collection until the 31st May, 1787, cannot be considered as a compliance with the said requisition, and this circumstance of time must be regarded as essential to the requisition, and not as a mere matter of form, as was *alleged and maintained in Council.*

3d. Because the 45th amendment, for authorizing and requiring the State Treasurer to exchange specie for facilities is contrary to the spirit and letter of the requisition with which our act is intended to be a compliance. This amendment will also have a manifest tendency to depreciate the facilities, and, if adopted, must prove injurious to the honor and interest of the State, by opening a partial and dangerous speculation at the State Treasury.

4th. Because the 46th amendment, in its original form, to enable the President with the advice of the Privy Council to suspend the operation of the tax laws, as well as in the amended form in which it now stands, to enable the President with the advice of the Privy Council to summon the General Assembly for the express purpose of taking cognizance of officers appointed by Congress, and accountable to them alone, must be considered as manifestly tending to an incroachment on the just rights and prerogatives of Congress, engaged for by the plighted faith of this State through their Delegates in Congress assembled. It also behoves Council to have a due regard to the honor of this State, by a strict conformity to the requisitions of Congress, and to be seriously concerned to guard against a measure which might induce that honorable body to consider our present act as a non-compliance with, or repugnant to, their late requisitions, whereby our constituents might be deprived of the benefits hereby proposed and held out to them.

5th. Because in the message of Council to the House of As-

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sembly, with reference to the Commissioner of the Loan Office in this State, for not having issued interest certificates, or Loan Office certificates, and other certificates of liquidated debts, up to the end of the year 1782, to be received in discharge of taxes for fulfilling the requisition of 1784, it is said: "and what has lately happened still renders the provision in this clause the more necessary, and Council willingly hope that any jealousy that may have taken place will, by the present form of the amendment, be done away." As it was sufficiently explained to the understanding and conviction of the Council, previous to the sending of this message, that neither Congress nor their officers could have done more for the State than was done, and that so far as the State may have suffered an inconveniency, it must have been owing to the contingency in the death of the late Loan Officer, and neglect on the part of the State to procure another before an entire change took place in the system for conducting the Continental Treasury, whereby it became impracticable to afford relief to the State, but by a speedy compliance with the requisition of 1785. It therefore becomes the duty of this dissentient to declare and protest, that language importing jealousy or distrust of Congress, or their officers, is without foundation, altogether unmerited by the officers of Congress, and when adopted by Council tends directly to disturb the harmony and impair the mutual confidence which ought to subsist between this State and the United States. J. TILTON.

Upon the entry of the papers delivered by Doctor Tilton, as aforesaid, it was thereupon observed to the House that the facts as stated therein, to which his reasons referred, were misrepresented and not truly stated.

Whereupon it was moved by Mr. Read, seconded by Messrs. Neill and Craghead, separately, that the sense of Council be taken with respect to those facts, and Council proceeded thereon as follows:

The first of which facts alleged to be misrepresented is as follows, to wit: "Instead of paying one-third of the requisition of 4th September, 1782, *in specie*, agreeably to the intention of this amendment, it is *admitted* the whole must be paid in facilities."

The question whether this fact is truly stated being put, it was resolved in the negative.

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The second misrepresentation is as follows, to wit: "By a separate provision then for this requisition, such as we have reason to believe the House of Assembly intend."

The question whether this fact is truly represented being put, it was resolved in the negative.

The third, whether the following is a true representation of the facts, to wit: "The forty-sixth amendment, in its original form, to enable the President, with the advice of the Privy Council, to suspend *the operation of the tax laws*, as well as in the amended form in which it now stands, to enable the President, with the advice of the Privy Council to summon the General Assembly for the express purpose of *taking cognizance of officers* appointed by Congress and accountable to them alone."

And the question being put thereon, it was resolved in the negative.

The fourth misrepresentation is as follows, to wit: "*As it was sufficiently explained to the understanding and conviction of Council, previous to the sending of this message*, that neither Congress nor their officers could have done more for the State than was done."

The question whether this fact is truly represented or not being put, it was resolved in the negative.

Ordered, That Mr. Neill wait upon the House of Assembly with the resolution respecting the appointment of commissioners on commercial business, &c.; who, being returned, reported the delivery thereof according to order.

Mr. McCall, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, to wit: The bill for the suppression of idleness, vice, and immorality, with the paper of amendments proposed thereto by Council, and agreed to by the House of Assembly, and a paper of amendments proposed by the House of Assembly to the said bill; as also the resignation of James Tilton of the office of State Treasurer, with the following verbal message.

VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY.

Gentlemen:

The House of Assembly having taken into consideration your

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message of Thursday last, declaring your readiness to meet this House for the purpose of putting into nomination persons to supply any vacancies necessary to be filled, by the choice of the General Assembly generally, or in conjunction with his Excellency, the President, propose to meet your honorable House in the Council Chamber forthwith, for the purpose of putting in nomination persons to be balloted for to fill the offices of State Treasurer, Judge of the Court of Common Pleas and Orphans' Court for Kent County, and a commissioner to complete a settlement of the accounts of this State with the United States.

The said papers were read, and the amendments proposed by the House of Assembly to the said bill for the suppression of idleness, &c., were acceded to by Council.

Ordered, That Mr. D. Polk wait upon the House of Assembly with the said bill and the several papers of amendments, and inform them that Council agree to the amendments proposed by that House to the said bill;

Who, being returned, reported the delivery thereof according to order.

The resignation of James Tilton, Esq., of his office of State Treasurer, being read, it appeared to have been thus acted upon by the House of Assembly:

IN THE HOUSE OF ASSEMBLY, June 24th, 1786.

The preceding resignation was presented to the House and read; thereupon

Resolved, That the said resignation be accepted upon condition that the said James Tilton continue to discharge the duties of his said office until the tenth of July next.

JAMES BOOTH, *Cl'k of Assembly.*

Thus acted upon in Council, June 24th, 1786. Read and concurred in.

STE. SYKES, *Cl'k C. P. T.*

The Council and the House of Assembly now met in the Council Chamber for the purpose of electing persons to fill the offices of State Treasurer, and of Judge of the Court of Common Pleas and Orphans' Court for the County of Kent, which office of

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Judge is presently vacant by the death of Mr. Lockwood; and a Commissioner to complete a settlement of the accounts of this State with the United States.

Nomination of persons for State Treasurer.

Joshua Clayton, Esquire, by George Read, Esquire.
John Baning, Esquire, by John Patten, Esquire.

Nomination of persons for Judge of the Court of Common Pleas and Orphans' Court for Kent County.

Allen McLane, Esquire, by Mark McCall, Esquire.
Isaac Carty, Esquire, by William Clark, Esquire.
Richard Smith, Esquire, by John Patten, Esquire.
Thomas White, Esquire, by John Revell, Esquire.
James Bellach, Esquire, by Charles Nixon, Esquire.

Nomination for Commissioner to complete a settlement, &c.

Eleazer McComb, Esquire, by James Tilton, Esquire.

On motion,

Ordered, That Messrs. Clark, Nixon, and Mitchell be a committee to wait on his Excellency, the President, and inform him that the General Assembly will be convened in a quarter of an hour for the purpose of balloting for Judge of the Court of Common Pleas and Orphans' Court for the County of Kent.

The Houses then separated for a quarter of an hour.

The committee report that they waited on his Excellency, and he was pleased to say he was in readiness to attend the General Assembly. The gentlemen of the committee are desired to introduce him into the Council Chamber, who conducted him in accordingly, and he took his seat, when the Houses proceeded to the balloting for State Treasurer, and it appearing that the votes were unanimously in favor of Joshua Clayton, Esquire, as State Treasurer, he is declared to be duly elected.

Then the President and members of both Houses proceeded to ballot for second Judge of the Court of Common Pleas and Orphans' Court to supply the vacancy occasioned by the death of Richard Lockwood, Esquire, and it appearing that the votes were unanimously in favor of Richard Smith, Esq., thereupon the said Richard Smith is declared to be duly elected second

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Judge of the Court of Common Pleas and Orphans' Court for the County of Kent.

They then proceeded to ballot for third Judge of the Court of Common Pleas and Orphans' Court in the stead of Richard Smith, late third Judge of the said Court, and it appearing that the votes were unanimously in favor of Thomas White, Esquire, thereupon the said Thomas White is declared to be duly elected third Judge of the Court of Common Pleas and Orphans' Court for the County of Kent.

The President and the members of the two Houses then proceeded to ballot for fourth Judge of the Court of Common Pleas and Orphans' Court in the stead of Thomas White, Esquire, and it appearing that there was a majority of votes in favor of James Bellach, Esquire, thereupon the said James Bellach is declared to be duly elected fourth Justice of the said Court for the County aforesaid.

The two Houses now proceeded to ballot for a Commissioner to complete a settlement of accounts of this State with the United States, and it appearing that the votes were unanimously in favor of Eleazer McComb, Esquire, thereupon the said Eleazer McComb is declared to be duly elected Commissioner to complete a settlement, &c.

Mr. Patten, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, to wit: "An act for raising twenty-three thousand six hundred and twenty-five pounds for the service of the year one thousand seven hundred and eighty-six;" "A supplementary act to an act entitled 'An act for calling in and destroying such of the Bills of Credit, emitted by virtue of any law of this State passed under the present or former government thereof, as are now outstanding, and for other purposes therein mentioned;'" "A supplementary act to an act entitled 'An act to invest the Congress of the United States with the power to levy the duties, &c.;'" "An act for the suppression of idleness, vice, and immorality;" a resolution for the payment of £60 to Jacob A. Killen, on account of printing work done for this State; a resolution for affixing the Great Seal to four laws passed the 24th June, 1786, together with the original draughts of the bills mentioned, and the several papers of amendments proposed and agreed to to the bill for raising £21,000, &c.

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The resolution for the payment of £60 to Jacob A. Killen:

IN THE HOUSE OF ASSEMBLY, June 24, 1786.

On motion,

Resolved, That the Speakers of both Houses draw an order on the State Treasurer for the payment of sixty pounds to Jacob A. Killen, on account of printing work done for this State, he to be accountable.

JAS. BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

Thus acted upon in Council, June 24th, 1786. Read and concurred in.

STE. SYKES, *Cl'k Council pro tem.*

Mr. Broom delivered a resolution of the House of Assembly for the payment of thirty-five pounds to his Excellency, the President, for his expenses in attending the General Assembly at their present session.

The said resolution was concurred in by Council; whereupon

Resolved, That an order be drawn on the State Treasurer for the payment of the said sum to his Excellency.

Which was accordingly done, and the said order signed by the Speakers of both Houses.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the following bills, was read and concurred in by Council, and is as follows, viz:

IN THE HOUSE OF ASSEMBLY, June 24, 1786.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the following laws:

1. "A supplementary act to the act entitled 'An act to invest the Congress of the United States with the power to levy duties upon all goods, wares, and merchandise imported into this State

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from beyond the seas, for a limited time, and to establish a fund for the payment of interest arising on the public debt;' "

2. "An act for the suppression of idleness, vice, and immorality;"

3. "A supplementary act to an act entitled 'An act for calling in and destroying such of the Bills of Credit, emitted by virtue of any law of this State passed under the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned;' "

4. "An act for raising twenty-three thousand six hundred and twenty-five pounds for the service of the year one thousand seven hundred and eighty-six."

JAS. BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

The Council allowed the following accounts, viz:

To the Hon. Thos. McDonough, Esq., Speaker, for 29 days' attendance and mileage, ...	£27	2	0
To George Craghead, Esq., for 29 do. do., . . .	19	1	4
To George Read, Esq., for 21 do. do., ...	14	2	0
To Silas Snow, Esq., for 25 do. do., ...	15	6	8
To James Tilton, Esq., for 24 do., ...	14	8	0
To John Baning, Esq., for 24 do., ...	14	8	0
To Joshua Polk, Esq., for 12 do. do., ...	8	5	4
To Henry Neill, Esq., for 8 do. do., ...	6	6	0
To Daniel Polk, Esq., for 13 do. do., ...	9	1	0
To Mr. Ste. Sykes, 24 do. as Clerk pro. tem., . .	15	16	10½
To James Newnam, for 26 do. as Doorkeeper, . .	10	10	0
To Mrs. Elizabeth Battell, for the use of a room during this sitting, ...	13	0	0
	£167	7	2½

On motion,

Resolved, That orders be drawn on the State Treasurer, and signed by the Speaker, for the payment of the several sums aforesaid. Whereupon said orders were drawn and signed.

Council adjourned to the 20th day of October next.

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MEMBERS' NAMES.

FOR NEW CASTLE COUNTY:

GEORGE CRAGHEAD, *Speaker*, GEORGE READ,
NICHOLAS VANDYKE.

FOR KENT COUNTY:

SILAS SNOW, JAMES TILTON, JOHN BANING.

FOR SUSSEX COUNTY:

HENRY NEILL, DANIEL POLK, ALEXANDER LAWS.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a session of the Council convened at Dover, October 20th, 1786, a sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Tuesday, the 24th of the same month, when there appeared as follows:

For New Castle County—George Craghead, Nicholas Vandyke.

For Kent County—Silas Snow, James Tilton, John Baning.

For Sussex County—Henry Neill, Alexander Laws.

And the said members being so met in Council, certain indentures, certifying the election of Nicholas Vandyke, Esquire, a member of Council for the County of New Castle; John Baning, Esquire, a member of Council for the County of Kent; and Alexander Laws, Esquire, a member of Council for the County of Sussex, were respectively produced and read, whereby it appeared to the Council that they were severally duly elected to represent the said Counties as members of the Legislative Council of the Delaware State, at the last annual election held in the said Counties of New Castle, Kent and Sussex, on the second day of this instant, October, (the first day being Sunday,) for three years next ensuing the said election.

The Council proceeded to the choice of a Speaker, and the Honorable George Craghead, Esquire, was unanimously chosen.

Mr. Baning and Mr. Laws took and subscribed the oath of

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fidelity and the declaration of faith prescribed by the Constitution. [*See note on page 10.*]

On motion, by order,

The rules to be observed by members of Council during the sitting thereof, made and agreed to in the year 1776, were read.

Resolved thereupon, That the above mentioned rules be the Rules of this House during the present session, with this addition, proposed by Mr. Tilton:

6. That from and after the first day of meeting, during the sitting of Council, it shall be the first business of every day to read, and correct (if necessary), the minutes of the preceding day.

Adjourned till 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members as in the forenoon, except Mr. Vandyke.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, October 25th, A. M.

Council met. The minutes of yesterday were read.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

Mr. Vandyke took the oath of fidelity to the State and subscribed the same and declaration of faith, and took his seat in Council.

Mr. Read appeared in Council and took his seat.

Mr. Moore, a member of Assembly, attending, was admitted and delivered to the Chair a verbal message from the House of Assembly, which, on motion, by order, was read, and follows in these words, viz:

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
WEDNESDAY, P. M., October 25th, 1786.

On motion,

Ordered, That Mr. Moore wait on the Council with the following verbal message:

Gentlemen:

The place of President and Commander-in-Chief of this State being now vacant, by the expiration of the term limited by the Constitution to the late President, the House of Assembly propose, to the honorable the Council, that both Houses of the General Assembly meet, in the Council Chamber, to-morrow, at four o'clock in the afternoon, for the purpose of nominating persons, out of whom one shall be elected by ballot to be President and Commander-in-Chief of this State; and that both Houses do also, at the same time and place, nominate persons to be balloted for to represent this State in the Congress of the United States, from the first Monday in November next until the first Monday in November in the year one thousand seven hundred and eighty-seven.

JAS. BOOTH, *Cl'k of Assembly.*

On motion, that a committee of three be appointed to bring in a bill to alter, amend, and continue the act entitled "An act for the auditing and arranging the accounts of this State, and for the more effectual settlement of the same," ordered, thereupon, that

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Messrs. Read, Vandyke, and Laws be a committee for that purpose.

Mr. Neill, having urgent business to transact at home, requested leave of absence for the remaining part of this week, which is granted.

Adjourned to ten o'clock to-morrow morning.

THURSDAY, October 26th, A. M.

Council met. The minutes of yesterday were read.

The verbal message from the House of Assembly respecting the meeting of both Houses, in the Council Chamber, at four o'clock this afternoon, in order to put in nomination persons, one of whom to be elected President and Commander-in-Chief of this State, and also persons to represent this State in the Congress of the United States, was read a second time and concurred in.

Ordered, That Mr. Laws wait on the House of Assembly and return the said verbal message, concurred in by Council;

Who, being returned, reported he had delivered the message according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Gordon, a member of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: A message from the President of the 24th October, 1786; a letter from the Secretary of Congress, notifying the election of a President, June

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6th, 1786; communication from the American Minister at Paris, respecting contracts for tobacco; and a letter from the Secretary for Foreign Affairs, of April 26th, 1786; a letter from the Secretary for Foreign Affairs, communicating Mr. Adams' letter, &c., July, 1786; communications from the American Minister at the Court of London, 4th March, 1786; representation in Congress for June, July, August and September, 1786; letter from the Secretary of Congress; resolution respecting negroes taken off by the British; resolution of Congress and letter from the Secretary touching their claim upon the different States to comply with the formation of the Sovereignty of the Union, and sending forward their delegates; appointment of commissioners, by Rhode Island, for the purpose of forming commercial regulatations; letter from Secretary of Congress, 4th October, 1786; ordinance for regulation of Indian affairs, 7th Aug., 1786; letter from Secretary of Congress, 1st July, 1786; letter from Secretary of Congress of September 5th, 1786; letter from the Board of Treasury of September 25th, 1786; requisition of Congress of 2d August, 1786; resolutions for ascertaining the standard and money unit of the United States; address from the Commercial Convention at Annapolis of 14th September, 1786; letter from the Chairman of the Commercial Convention of Sept. 21st, 1786; resolution of Congress on the subject of paper money, Sept. 18th, 1786; resolution of Congress, recommending a cession of western territory, of the 9th of August, 1786; a letter from the Secretary of Congress, of the 12th August, 1786; and a letter from the Secretary of Congress, of 2d October, 1786; which, by order, were severally read.

Mr. McCall, a member of Assembly, attending, was admitted and informed the Council that the House of Assembly were ready to attend Council on the business of putting in nomination persons for President and Delegates to Congress.

On motion,

Ordered, That Mr. Snow wait on the House of Assembly and inform them that Council were ready to receive them, in their Chamber, on the above mentioned business;

Who, being returned, reported he had delivered the message committed to his charge.

The House of Assembly, now attending in the Council Cham-

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ber, agreeable to the order of the day, to put in nomination persons, one of whom to be elected President and Commander-in-Chief of this State, and also persons to represent this State in the Congress of the United States.

Nominated for President, &c.—Thomas Collins, Esquire, by Mr. Broom.

On motion,

Resolved by both Houses, That three Delegates be elected to represent this State in the Congress of the United States.

The nomination for Delegates for Congress was then proceeded in.

Mr. Broom proposes Nicholas Vandyke, Esquire.
Mr. Rodney proposes Gunning Bedford, Esq., of New Castle.
Mr. Polk proposes Major Nathaniel Mitchell.
Mr. Read proposes Alexander Porter, Esquire.
Mr. Gordon proposes Thomas Rodney, Esquire.
Mr. Snow proposes Major John Patten.
Mr. McCall proposes Isaac Carty, Esquire.
Mr. Hyatt proposes William Peery, Esquire.
Mr. Shankland proposes Col. John Jones.

Then the two Houses separated.

Council adjourned to 10 o'clock to-morrow morning.

FRIDAY, October 27, A. M.

Council met. The minutes of yesterday were read.

Mr. Duff, a member of Assembly, attending, was admitted and delivered to the Chair a verbal message from the House of Assembly, which follows in these words, viz:

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A VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE COUNCIL.

Gentlemen:

The House of Assembly propose to the honorable the Council that both Houses of the General Assembly meet, in the Assembly Room, at four o'clock this afternoon, for the purpose of electing, by ballot, out of the persons put in nomination yesterday, a President of this State, and Delegates to represent the State in the Congress of the United States.

Friday, A. M., October 27th, 1786.

Which, by order, was read.

The committee appointed to bring in a bill to alter, amend, and continue the act entitled "An act for auditing and arranging the accounts of this State, and for the more effectual settlement of the same," do now report that they had essayed a draught of a bill for that purpose, which they laid on the table.

On motion, by order, the same was read, and, by special order, read the second time, and it shall pass.

Ordered, on motion, that Mr. Snow wait on the House of Assembly with the said bill, for concurrence, and the verbal message concurred in by Council.

Adjourned to 3 o'clock.

FRIDAY, Oct. 27th, P. M.

Council met.

Mr. Snow reported that he had delivered the papers committed to his charge to the House of Assembly, according to order.

Mr. McCall, a member of Assembly, attending, was admitted and informed Council that the House of Assembly were ready to receive them for the purpose of balloting for the President of the State and members of Congress to represent this State in the Congress of the United States.

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The Council attended the House of Assembly in order to ballot for a President and Commander-in-Chief of this State, and also members of Congress from this State to the Congress of the United States, and the votes being received by the Speakers for President, and read, it appeared that Thomas Collins, Esq., was unanimously chosen, and is declared duly elected as President and Commander-in-Chief of this State.

The two Houses then proceeded to the choice of three persons for Delegates in Congress, and the votes being received by the Speakers and read, it appeared that Thomas Rodney, Nathaniel Mitchell, and Gunning Bedford, Esquires, were chosen by a majority of votes and are declared duly elected.

On motion,

Resolved by both Houses, That the Speakers inform Mr. Collins of his being elected President and Commander-in-Chief of this State, and require his answer to-morrow whether he will accept the same.

Then the two Houses separated.

Council adjourned to 10 o'clock to-morrow morning.

SATURDAY, 28th, A. M.

Council met. The minutes of yesterday were read.

The Speaker informed Council that the Speakers of the two Houses had written a letter to Mr. Collins, agreeable to the order of yesterday; that this morning they received an answer to the same.

On motion, by order, the letter from Mr. Collins was read, wherein he expresses his high sense of the honor conferred upon him by his being elected to that honorable office by the unanimous voice of the General Assembly, that therefore, however unqualified he may consider himself for filling that station, he shall accept it.

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Ordered, on motion, that Mr. Tilton wait on the House of Assembly and deliver to the Speaker thereof the letter from Mr. Collins;

Who, being returned, reported that he had delivered the same according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Polk, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for suspending executions for a limited time;" which, on motion, by order, was read.

Ordered to lie on the table.

Mr. Davis, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for continuing an act entitled 'An act for the auditing and arranging the accounts of this State, and for the more effectual settlement of the same,'" with a resolution of that House of their intending to adjourn the present sessions this evening to some future day; which, on motion, by order, were severally read.

By special order, the said bill last mentioned was read a second time, and it shall pass.

On motion,

Ordered, That a certificate of the appointment of the Honorable Thomas Collins, Esq., to the office of President and Commander-in-Chief of the State, signed by the Speakers of the two Houses, and sealed with the Great Seal of the State, be made out and delivered to Mr. Collins.

On motion,

Resolved, That the Speaker of the Council be authorized to

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administer as well the oath of allegiance and declaration of faith as the oath of office, to the Honorable Thomas Collins, Esquire, now appointed President and Commander-in-Chief of this State, as directed by the twenty-second section of the system of Government, and that the same be certified into the Secretary's office.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly and deliver the order and resolution of Council respecting the qualifying the Honorable Thomas Collins as President of this State, for their concurrence; and also to return the bill for continuing the act for auditing and arranging the accounts of this State, &c., concurred in by Council;

Who, being returned, reported the delivery thereof according to order.

Mr. Porter, a member of Assembly, attending, was admitted and delivered to the Chair a report of the Auditor respecting a tombstone erected over the grave of Col. Haslet.

On motion, by special order,

The bill entitled "An act for suspending executions for a limited time," was read a second time, and after some observations thereon, is by Council disagreed to.

Mr. Evans, a member of Assembly, attending, was admitted and delivered to the Chair the resolution and order respecting the qualifying the Honorable Thomas Collins, Esq., as President of this State, concurred in by the House of Assembly; also the certificate of the appointment of Mr. Collins President and Commander-in-Chief of this State, with the Great Seal thereunto affixed, and signed by the Speaker of that House.

The report of the Auditor concerning the tombstone over the grave of Col. Haslet, was read and concurred in.

Ordered, That the Speaker of Council sign an order in favor of Eleazer McComb, Esq., for £5 : 14 : 6, the balance remaining due to the workmen for that tombstone.

On motion,

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Ordered, That Mr. Snow wait on the House of Assembly and return the bill entitled "An act for suspending executions for a limited time," disagreed to by Council; also the report of the Auditor with respect to Col. Haslet's tombstone, agreed to by Council.

Adjourned for half an hour.

Council met according to adjournment.

The Speaker now reported that, in pursuance of the direction of the General Assembly, he had proceeded to administer the oath of fidelity to the State and the oath of office to his Excellency Thomas Collins, Esquire, President and Commander-in-Chief of this State, and that he took and subscribed the declaration of faith in his presence, and that he had delivered him the certificate of his appointment, signed by the Speakers of both Houses, and certified the same into the Secretary's office.

On motion,

Ordered, That the following accounts be allowed, and that orders be drawn and signed by the Speaker for the same; which was done accordingly, to wit:

To the Honorable George Craghead, Speaker, for 7 days' attendance and mileage, ...	£7	16	0
To George Read, Esq., for 6 days' attendance and mileage, ...	5	2	0
To Nicholas Vandyke, Esq., for 7 days' attendance and mileage, ...	5	7	4
To Silas Snow, Esq., for 7 days' attendance and do.,	4	10	8
To James Tilton, Esq., for 7 days' attendance, . . .	4	4	0
To John Baning, Esq., for 7 days' attendance, . . .	4	4	0
To Henry Neill, Esq., for 3 days' attendance and mileage, ...	3	6	6
To Alexander Laws, Esq., for 7 days' attendance and do., ...	5	6	0
Carried forward, ...	£ 39	16	6

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Brought over, ...	£ 39	16	6
To James Sykes, Esq., for 9 days' attendance and paper, ...	5	17	10
To James Sykes, Esq., for cash paid George Rowon, for a press to keep the papers of Council, . . .	4	5	0
To James Newnam, Doorkeeper, for attendance and riding express, ...	4	0	0
To Mrs. Elizabeth Battell, for the use of a room, fire-wood and candles, ...	5	0	0
	£ 58	19	4

Mr. Grantham, a member of Assembly, attending, was admitted and delivered to the Chair an engrossed bill entitled "An act for continuing an act entitled 'An act for the auditing and arranging the accounts of this State, and for the more effectual settlement of the same,'" signed by the Speaker of that House; a resolution for affixing the Great Seal to that law, and an order for £5 : 14 : 6, the balance remaining unpaid on Col. Haslet's tombstone, signed by the Speaker of that House also.

On motion,

Ordered, That the Speaker of Council sign the order in favor of Eleazer McComb for £5 : 14 : 6, the balance unpaid on Col. Haslet's tombstone.

Which was done accordingly, and the resolution for affixing the Great Seal to the last mentioned bill concurred in.

The said bill was read and compared, and, by order, signed by the Speaker.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly and return the last mentioned bill and resolution for affixing the Great Seal thereunto.

Mr. Broom, a member of Assembly, attending, was admitted and delivered to the Chair a notification from the House of Assembly that they had adjourned to Monday, the eighth day of January next.

Then Council adjourned to the ninth day of January next.

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MINUTES OF COUNCIL.

1787.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1787.

JANUARY 9th, 1787.

Council met agreeable to adjournment. Present Mr. Craghead, Mr. Read, Mr. Tilton, Mr. Baning, Mr. Polk, and Mr. Laws.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, 10th, A. M.

Council met and adjourned to 10 o'clock to-morrow morning.

THURSDAY, 11th, A. M.

Council met and adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Mr. Snow appeared and took his seat.

Adjourned to 10 o'clock to-morrow morning.

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FRIDAY, January 12th, A. M.

Council met. Present the same members as on yesterday.

Adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, January 13th, A. M.

Council met.

Mr. McCall, a member of Assembly, was admitted and delivered to the Chair a resolution of that House, which, by order, was read, and follows in these words, viz:

IN THE HOUSE OF ASSEMBLY,

FRIDAY, A. M., Jan. 12, 1787.

On motion,

Resolved unanimously, That this House will not take into consideration any new business within the space of two days before the conclusion of the sitting of this House, and that a copy of this resolution be sent to the Council for their information.

JAS. BOOTH, *Cl'k of Assembly.*

Adjourned to 4 o'clock, P. M.

EODEM DIE, P. M.

Council met. Mr. Vandyke appeared in the House and took his seat.

Adjourned to Monday morning next at 10 o'clock.

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MONDAY, January 15th, A. M.

Council met and adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Mr. Neill appeared in the House and took his seat.

The committee to whom was referred the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," now reported the same, which they submitted to the consideration of the House.

On motion, ordered, that the said bill be taken up and proceeded upon to-morrow morning.

Mr. Read presented to the Chair a letter from Gunning Bedford, Esquire, Prothonotary of New Castle County, addressed to the General Assembly of this State, which, on motion, was read, wherein he acknowledged the honor done him by his appointment to the important trust of one of the Delegates from this State to the United States in Congress, and representing that, from his present situation, he could not give that attendance there which he apprehends necessary, and humbly requests that he may be excused from that duty, and that some other person may be appointed in his place.

On motion,

Ordered, That Mr. Polk wait on the House of Assembly and deliver the letter aforesaid;

Who, being returned, reported that he had delivered the same according to order.

Adjourned to ten o'clock to-morrow morning.

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TUESDAY, January 16th, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Agreeable to the order of the day, Council took up and proceeded to the reading, by paragraphs, the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," which, after some time spent therein, is deferred to further consideration until the afternoon.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and resumed the consideration of the last mentioned bill, and after sundry paragraphs being read and agreed to, the further consideration thereof is deferred till to-morrow morning.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, January 17, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Council proceeded to reading the remaining parts of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned,"

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and after some progress made therein, is postponed till the afternoon.

Mr. Porter, a member of Assembly, attending, was admitted and delivered to the Chair the accounts of John McKinly, Esq., with the amendments proposed by Council thereunto, to which the House of Assembly acceded; also a general statement of the monies due from this State to him, and resolutions of that House that orders be drawn on the State Treasurer in his favor for the same, signed by the Speakers of both Houses, and sent to Council for concurrence.

Ordered to lie on the table.

Adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present all the members.

The Speaker presented a letter from Mr. William Winder, Commissioner for settling the accounts between the State of Delaware and the United States; which, by order, was read and referred to a committee of three, to report thereon.

Whereupon Messrs. Vandyke, Tilton, and Laws are appointed a committee for that purpose.

The statement of the accounts of John McKinly, Esquire, as agreed to by the House of Assembly, was read and concurred in.

Resolved, That the Speaker of Council sign the orders to be drawn in favor of the said John McKinly for the sums and in the manner as specified in the resolutions sent up by the House of Assembly, and concurred in by Council, are expressed.

On motion,

Ordered, That Mr. Snow wait on the House of Assembly with the accounts of John McKinly, Esquire, and the statement thereof made by that House and acceded to by Council.

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Who, being returned, reported he had delivered the same according to order.

Council resumed the consideration of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," and after some time spent therein, is deferred till to-morrow morning.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, January 18th, A. M.

Council met. Present all the members.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to prevent the exportation of slaves from this State to either of the Carolinas. Georgia, or the West Indies, and for other purposes," for the consideration and concurrence of Council.

On motion, by order, the said bill was read.

Council resumed the consideration of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," completed the reading thereof, agreed to sundry amendments, and it shall pass and be sent to the House of Assembly for consideration and concurrence.

Ordered, That Mr. Neill wait on the House of Assembly and deliver the said bill;

Who, being returned, reported the delivery thereof according to order.

The committee to whom was referred the letter of Mr. Winder now reported thereon.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order, the report of the committee to whom was referred the letter of Mr. Winder, was read and acted upon, as follows:

WHEREAS it appears from the representation of Mr. Commissioner Winder that there remains in his office a few claims for supplies furnished and services rendered to the United States by citizens of this State, some of which he, the said Commissioner, cannot liquidate and settle without further evidence, and other of those claims, though sufficient evidence of the same, that none of the persons to whom they appear to be due, or any others authorized to receive them and give discharges, have applied to the Commissioner, and the term of his appointment will shortly expire; therefore

Resolved, That James Booth, Esq., the Secretary, is hereby appointed and authorized to receive from the Commissioner aforesaid all and every of the accounts and claims for supplies as aforesaid whereof the said Commissioner shall not have sufficient evidence, in his opinion, to liquidate and settle, and also all and every certificate which may be issued by the said Commissioner, in discharge of the balances of the aforesaid claims, which he may liquidate before the term of his office shall expire, belonging to or in favor of any citizen of this State; and that Mr. Secretary give his receipt to the Commissioner for the same, which, in the opinion of this General Assembly, ought to be considered as a sufficient voucher to discharge the said Commissioner from the claim of the parties entitled to such certificates or accounts.

Resolved also, That the Secretary forthwith, after such delivery and receipt from the Commissioner, notify the persons interested in such accounts and certificates of their being in his possession for their use, and on their respective applications to deliver over the same, taking receipts therefor, and from time to time report his proceedings in the premises to the General Assembly.

On motion,

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Ordered, That Mr. Laws wait on the House of Assembly and deliver Mr. Commissioner Winder's letter, and the resolutions of Council founded thereupon, for consideration and concurrence;

Who, being returned, reported the delivery thereof.

On motion, by order,

The bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, who shall be a body corporate for the purpose of taking care of the temporalities of their respective congregations," is to be taken into consideration to-morrow morning.

On motion, by order,

The bill entitled "An act to prevent the exportation of slaves from this State to either of the Carolinas, Georgia, or the West Indies, and for other purposes," was read a second time.

Adjourned to ten o'clock to-morrow morning.

FRIDAY, January 19th, 1787, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Doctor Evans, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to compel executors to give security for the faithful discharge of the duty reposed in them by their testators."

On motion, by order, the last mentioned bill was read.

Agreeable to the order of the day, Council proceeded to the consideration of the bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, &c.," and after some time spent therein is deferred until the afternoon.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met. Present all the members, and resumed the consideration of the last mentioned bill, which, being read by paragraphs, sundry amendments were proposed and agreed to, and it shall pass.

On motion,

Ordered, That Mr. Snow wait on the House of Assembly with this bill, for their consideration and concurrence, with the petitions on that subject;

Who reported the delivery thereof.

Messrs. Laws and Neill have leave of absence until Tuesday evening next.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, January 20th, A. M.

Council met. Present all the members, except Messrs. Tilton, Neill, Laws, and Polk.

Mr. McCall, a member of Assembly, was admitted and returned to the Chair the bill entitled "An act for the amending and continuing the provisions made in the act entitled 'An act for the auditing and arranging the accounts of this State, and for the more effectual settlement of the same,'" sent to that House for consideration and concurrence, with sundry amendments proposed thereto by the House of Assembly; which amendments were, on motion, by order, read.

Adjourned to 10 o'clock on Monday morning next.

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MONDAY, January 22d, 1787, A. M.

Council met and adjourned to 10 o'clock to-morrow morning.

TUESDAY, 23d, A. M.

Council met. Present all the members, except Messrs. Neill, Polk and Laws.

The minutes of Saturday were read.

Mr. Speaker laid a letter on the table from John Dickinson, Esquire, addressed to him, recommending Mr. John Fitch as a person who is endeavoring to introduce the use of steam engines into this country, &c.

On motion, by order, the letter was read and referred to a committee of three, viz: Messrs. Vandyke, Snow, and Tilton, who are to report thereon.

On motion, by order, the amendments proposed by the House of Assembly to the bill entitled "An act for amending and continuing the provisions made in the act entitled 'An act for the auditing and arranging the accounts of this State, &c.,'" was read a second time.

On motion, by order,

The bill entitled "An act to compel executors to give security, &c.." was read a second time.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met. Present the same members as in the forenoon.

The committee to whom was referred Mr. Dickinson's letter in favor of Mr. Fitch, now reported that they had conversed with Mr. Fitch on the subject, that he informed them he had applied to the House of Assembly respecting the matter mentioned in that letter, and the committee, expecting the Council would receive communications from that House, thought it unnecessary to make further inquiry of Mr. Fitch relative thereto.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, January 24th, A. M.

Council met. Present all the members, except Messrs. Neill and Polk.

The minutes of yesterday were read.

Mr. Cannon, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to enable the owners and possessors of a certain parcel of marsh, meadow, and cripple, hereinafter described, situate on Little St. Georges Creek, in St. Georges Hundred, in New Castle County, fronting the River Delaware, to keep the banks, dams, sluices and floodgates thereof in repair," with the petition of the owners and possessors thereof, and a newspaper, containing an advertisement giving notice of their intended application to the General Assembly for leave to bring in the said bill.

Mr. Gordon, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to appoint Edward Oldham and Mary, his wife, trustees to take care of the property of Joseph Ensor, an idiot," together with a petition for leave to bring in such a bill, and two acts of the Legislature of the State

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of Maryland thereon so far as the estate of said Joseph is within that State.

On motion, by order,

The bill entitled "An act for amending and continuing the provisions made in the act entitled 'An act for the auditing and arranging the accounts of this State, &c.,'" was taken into consideration, with the amendments proposed by the House of Assembly thereunto, all of which was agreed to but the 3d and 4th, to which Council proposed amendments.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly and return the said bill and amendments, and the proposed amendments of Council, for their consideration and concurrence;

Who, being returned, reported the delivery thereof.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, by order,

The bill entitled "An act to enable the owners and possessors of a certain parcel of marsh, meadow, and cripple on Little St. Georges Creek, in New Castle County, &c.," was read.

On motion, by order,

The bill entitled "An act to appoint Edward Oldham and Mary, his wife, to take care of the property of Joseph Ensor, an idiot," with the petition and papers accompanying the same, were read.

Mr. Neill, who had leave of absence, now appeared.

Adjourned to 10 o'clock to-morrow morning.

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THURSDAY, January 25th, A. M.

Council met. Present all the members, Mr. Polk, who had leave of absence, having now appeared.

The minutes of yesterday were read.

On motion, ordered,

That the bill entitled "An act to prevent the exportation of slaves from this State, &c.," be taken up and considered to-morrow morning.

On motion, ordered,

That the bill entitled "An act to oblige executors to give security, &c.," be taken up and proceeded upon on Tuesday morning next.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order,

The bill entitled "An act to appoint Edward Oldham and Mary, his wife, trustees of the estate of Joseph Ensor," was read, by paragraphs, and some amendments proposed thereunto.

On motion,

Ordered, That Mr. Polk wait on the House of Assembly and return the said bill with the amendments, as also the papers that accompanied the same;

Who, being returned, reported the delivery thereof.

Mr. Hayes, a member of Assembly, was admitted and de-

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livered to the Chair the bill entitled "An act for amending and continuing the provisions made in the act entitled 'An act for the auditing and arranging the accounts of this State, &c.,'" with the amendments of Council to those of the House of Assembly, to the first of which that House had disagreed, and to the second had agreed; also returned the bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, &c.," with some amendments proposed thereunto.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, January 26th, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

On motion, by order,

The amendments proposed by the House of Assembly to the bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, &c.," were taken into consideration—the first and third whereof were agreed to, the second and fourth disagreed to.

On motion,

Ordered, That Mr. Neill wait on the House of Assembly and return the said bill and amendments thus acted upon by Council;

Who, being returned, reported the delivery thereof.

Agreeable to the order of the day, Council took into consideration the bill entitled "An act to prevent the exportation of slaves to either of the Carolinas, &c.," which, after some time spent therein, on motion, is referred to a committee of three, viz: Messrs. Vandyke, Neill, and Tilton, to report thereon.

On motion, by order, the several papers sent by the House of Assembly, by Mr. Gordon, a member of that House, to Council, on the 26th of October, 1786, were now returned by Mr. Neill,

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except the address from the commercial convention at Annapolis and the letter from the chairman of that convention, which were retained.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and adjourned to 10 o'clock to-morrow morning.

SATURDAY, January 27th, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Doct. Evans, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to regulate marriages," for consideration and concurrence; and returned the resolutions of Council concerning Mr. Commissioner Winder's letter, concurred in by the House of Assembly.

On motion, by order, the said bill, to regulate marriages, was read.

Mr. Davis, a member of Assembly, was admitted and delivered to the Chair the bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, &c.," with the

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amendments proposed by that House to the same, to which Council had proposed amendments, to which the House of Assembly had acceded.

On motion, ordered that the said bill be engrossed.

Adjourned to 10 o'clock on Monday morning.

MONDAY, January 29th, 1787, A. M.

Council met. Present the same members as on Saturday.

On motion, by order, the minutes of Council on Saturday last were read.

On motion, by order,

The bill entitled "An act to regulate marriages," was read a second time, and the question being put, the same was unanimously rejected.

On motion,

Ordered, That Mr. Laws wait upon the House of Assembly with the aforesaid bill, as rejected by Council;

Who reported the delivery thereof accordingly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

The committee to whom the bill to prevent the exportation of slaves to either of the Carolinas, &c., was committed, now reported several amendments; which, by order, were read.

Adjourned to 10 o'clock to-morrow morning.

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TUESDAY, January 30th, 1787, A. M.

Council met. Present the same members.

The minutes of yesterday were read.

Mr. Gordon, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, to wit: A resolution of that House respecting their adjournment on Saturday next to some future day; an act for securing to John Fitch an exclusive right of constructing the steamboat by him invented, &c.; the petition of John Fitch, with the papers accompanying the same; an act relinquishing the right of this State to the confiscated property late of James Welch, deceased, with the petition and other papers inclosed in the same; a supplementary bill to the act for the recovery of public money due from the estate of J. Vining, Esq.; the memorial of John Vining, and the report thereon; and the bill for the settlement of the Wilmington lottery, with a petition of William Smith, D. D., a petition of the Managers of the Wilmington Lottery, &c., and the article for appropriating the Wilmington lottery; all which papers were read.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

The bill entitled "An act to compel executors to give security, &c.," was now taken into consideration, and several amendments proposed to the same, which were read and agreed to.

Ordered, That the aforesaid amendments be transcribed and sent to the House of Assembly for their consideration and concurrence; which was done accordingly.

Ordered, That Mr. Polk wait upon the House of Assembly

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with the aforesaid bill, with the amendments proposed thereto by Council;

Who reported the delivery thereof accordingly.

On motion,

Resolved, That Council go into the second reading of the bill entitled "An act for securing to John Fitch an exclusive right of constructing the steamboat, &c.," to-morrow morning.

On motion,

Resolved unanimously, That Council will not sit for the purpose of transacting business after the hour of eleven on Saturday evening.

Ordered, That a copy of this resolution be sent to the House of Assembly for their information.

Ordered, That Mr. Polk wait upon the House of Assembly with the foregoing resolution;

Who delivered the same accordingly.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, January 31st, 1787, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Agreeably to the order of yesterday, the bill entitled "An act for securing to John Fitch an exclusive right of constructing the steamboat by him invented, &c.," was read a second time, and after some time spent therein, the same was postponed for further consideration.

On motion, by order,

The bill entitled "A supplement to an act entitled 'An act for the recovery of one thousand five hundred and fifty-three pounds eighteen shillings and six pence, due from the estate of John Vin-

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ing, Esq., &c.,' " was read a second time, and several amendments proposed thereto, which were agreed to.

Ordered, That the said amendments be transcribed, and that Mr. Polk wait upon the House of Assembly with the aforesaid bill and the amendments proposed thereto, for their consideration and concurrence;

Who reported the delivery thereof.

The Council now took into their consideration the bill entitled "An act for relinquishing the rights of this State to the confiscated property late of James Welsh, deceased," and an amendment to the same was proposed and agreed to.

Ordered, That the aforesaid amendment be transcribed, and that Mr. Polk wait upon the House of Assembly with the said bill and the amendment proposed thereto;

Who reported the delivery thereof.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order,

The bill entitled "An act for the settlement of the accounts of the Wilmington lottery," was read a second time.

On motion, by special order, the said bill was read by paragraphs, and some amendments proposed and agreed to.

Ordered to be transcribed, and that Mr. Snow wait on the House of Assembly therewith, with the papers that accompanied the same;

Who reported the delivery thereof.

Mr. Hayes, a member of Assembly, was admitted and deliv-

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ered to the Chair the bill entitled "An act to compel executors to give security, &c.," with some amendments proposed by that House to the amendments of Council, which, by order, were read and acceded to.

Ordered, That Mr. Snow wait on the House of Assembly and return the said bill and amendments of that House to the amendments of Council, now acceded to;

Who reported the delivery thereof.

On motion, by order,

The bill entitled "An act to prevent the exportation of slaves to either of the Carolinas, &c.," was read the third time by paragraphs, and several amendments were proposed and agreed to.

Ordered, That the said amendments be transcribed and sent to the House of Assembly for their consideration and concurrence.

Adjourned to 10 o'clock to-morrow morning.

FEBRUARY 1st, 1787, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Ordered, That Mr. Neill wait upon the House of Assembly with the bill entitled "An act to prevent the exportation of slaves, &c., with the amendments proposed thereto by Council;

Who reported the delivery thereof accordingly.

Mr. Davis, a member of Assembly, was admitted and delivered to the Chair the following papers: The Auditors's report upon the petition of William Killen, Esq., with two petitions accompanying the same; an act for enabling Sydenham Thorne to erect a mill-dam across Mispillion Creek, &c., with the papers accompanying the same.

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On motion, by order,

The bill entitled "An act for enabling Sydenham Thorne to erect a mill-dam across Mispillion Creek, and for the condemnation of a small piece of fast land on the Sussex side of the said creek for the use of a grist-mill," with the petition and remonstrance for and against the said bill, and the report of a committee of Assembly upon that business, were severally read.

Also the petition of William Killen, Esquire, on the subject of Col. Haslet's affairs, the petition of the children of Col. Haslet, and the report of the Auditor thereon, were severally read.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Polk, a member of Assembly, attending, was admitted and delivered to the Chair the bill entitled "An act to prevent the exportation of slaves, &c.," with a paper of amendments proposed by that House to the amendments proposed by Council to the aforesaid bill.

On motion, by order,

The bill for securing to John Fitch an exclusive right of constructing and using the steamboat, &c., was read the third time by paragraphs and passed the House.

On the question being put, "Whether Council agreed to the first paragraph?" it was carried in the affirmative; upon which the yeas and nays were required by Mr. Read, and are as follows:

Yeas—Mr. J. Tilton, Mr. John Baning, Mr. Silas Snow, Mr. Nicholas Vandyke, Mr. Daniel Polk, Mr. Henry Neill.

Nays—Mr. Read, Mr. Laws.

The question being put upon the second paragraph, it was

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carried in the affirmative. The yeas and nays were required, as above, and were as upon the first paragraph.

Ordered, That Mr. Neill wait upon the House of Assembly with the bill for securing to John Fitch an exclusive right of constructing and using the steamboat, &c., as concurred in by Council; and the bill to prevent the exportation of slaves, &c., with the paper of amendments proposed thereto by Council, and the paper of amendments proposed by the House of Assembly to those proposed by Council, as agreed to by Council.

Who, being returned, reported the delivery thereof.

On motion, by order, the petitions from Wm. Killen, Esq., and the children of Col. Haslet, and the report of the Auditor thereon, were severally read, and the report of the Auditor agreed to, which follows in these words:

The Auditor of Accounts, to whom was referred the petition of William Killen, Esq., executor of Col. John Haslet, deceased, begs leave to report:

That he has had a conference with the petitioner on the subject of his said petition, and has been furnished by him with a settlement of Col. Haslet's accounts, confirmed by the House of Assembly on the 5th of June, 1779, and by the Legislative Council on the 8th of December following, exhibiting a balance of £234 : 13 : 11 due to the estate of his testator, which the petitioner alleges was paid to him on the 8th of January, 1780, when it was worth only £7 : 15 : 5 in specie. He also alleges that Col. Haslet's estate suffered greatly by the depreciation of the money which came to his hands; nevertheless he is willing to return the two thousand dollars last received by his testator from the United States, in certificates of final settlement, to the same nominal amounts due from the said States to the officers and soldiers of the late American army, provided this State will assume the payment of the said two thousand dollars to the United States.

The Auditor, upon considering the circumstances of the case, is of opinion that this State may with safety accede to the proposal of the petitioner; that the said two thousand dollars will then be settled in a general account with the United States, in which account the certificates of final settlement must be received and accepted as a credit. That with respect to the interest due

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on the said sum, it is the opinion of the Auditor that the petitioner's testator's estate should be charged with it, and that the interest due on the certificates of final settlement to be given in exchange should be calculated up to the time of exchange.

ELEAZER McCOMB.

Auditor's Office, June 15th, 1786.

In the House of Assembly, Wednesday, P. M., January 31, 1787, read, considered and agreed to.

JAS. BOOTH, *Cl'k of Assembly.*

In Legislative Council, February 1, 1787, P. M., read and concurred in.

JAMES SYKES, *Cl'k of Council.*

Resolve to be entered upon the Auditor's report upon the petition of William Killen, Esq., as executor of the late Col. John Haslet, proposed by the Council to the House of Assembly:

IN THE COUNCIL, THURSDAY, P. M., February 1, 1787.

Resolved, That the State Treasurer be and he hereby is appointed and authorized to receive from William Killen, Esq., as executor of Col. John Haslet, deceased, certificates of final settlement to the nominal amount of the said sum of two thousand dollars, with the interest accrued thereon at the time of such receipt, allowing so much interest as may be due on such certificates, in discharge of so much interest due on the said two thousand dollars; and that the said State Treasurer give his certificate of such receipt to the said executor, and that the Delaware State be from thenceforth considered as accountable to the United States for the said sum of two thousand dollars, as last received by the said Col. John Haslet from the Treasury of the United States for the purpose of raising his new regiment.

Ordered, That the above report of the Auditor, with the resolve and the above mentioned petition, be sent to the House of Assembly; that Mr. Laws wait upon the House with the same;

Who reported the delivery thereof accordingly.

On motion, by order,

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The bill entitled "An act for enabling Sydenham Thorne to erect a mill-dam, &c.," was read a second time, and the same postponed until to-morrow morning for further consideration.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, Feb. 2d, 1787, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Agreeable to the order of the day, Council proceeded to the consideration of the bill entitled "An act to enable Sydenham Thorne to erect a mill-dam across Mispillion Creek, &c.," and after some time spent therein, a motion was made and seconded that the further consideration thereof should be postponed until the parties interested could have notice to attend Council and be heard in the premises; which question being put, it passed in the negative.

On motion of Mr. Tilton, that the yeas and nays should be entered, it was ordered accordingly, and are as follows, to wit:

Yeas—Mr. Read, Mr. Snow, Mr. Laws.

Nays—Mr. Vandyke, Mr. Tilton, Mr. Polk, Mr. Baning, Mr. Neill.

Mr. Dingle, a member of Assembly, attending, was admitted and delivered to the Chair the following papers, to wit: A message from the President; an act for empowering the Board established by Congress to liquidate and settle the accounts between the United States and individual States, to call before them witnesses, &c.; an act for the support of officers, soldiers, or seamen, citizens of this State, who have been disabled in the service of the United States; a bill for raising ten thousand five hundred pounds for the service of the year 1787; a petition from New Castle County for a speedy collection of the arrearages of taxes; the report of the committee upon the President's Message;

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a petition of John Darby, and the Auditor's report thereon; a letter from the Secretary of Congress, with two inclosures; the resolution of Council on the Auditor's report on the petition of William Killen, Esq., as concurred in by the House of Assembly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order, the several papers delivered to the Chair in the forenoon were read.

On motion,

The bill entitled "An act for raising £10,500 for the service of the year 1787," by special order, was read a second time and referred to a committee of three, to wit: Messrs. Vandyke, Read and Tilton, who are to report thereon.

On motion, ordered

That Mr. Read be a committee to prepare and bring in a bill for appointing Commissioners to meet the convention of the United States to be held on the second day of May next, at the City of Philadelphia, for the purpose of revising the Articles of Confederation.

Council now resumed the consideration of the bill for enabling Sydenham Thorne to erect a mill-dam, &c., and several amendments were proposed and agreed to.

Ordered, That the said amendments be transcribed, and that Mr. Neill wait upon the House of Assembly with the said bill and the amendments proposed by Council to the same, for their consideration and concurrence;

Who reported the delivery thereof accordingly.

Adjourned to 10 o'clock to-morrow morning.

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SATURDAY, February 3d, A. M.

Council met. Present all the members.

On motion, by order,

The bill entitled "An act for the support of officers, soldiers, or seamen, citizens of this State, who have been disabled in the service of the United States," was read a second time.

On motion, by special order, the said bill was read by paragraphs and it shall pass.

Ordered, That Mr. Neill wait on the House of Assembly and return the same;

Who, being returned, reported the delivery thereof.

Mr. Read now laid on the table a bill entitled "An act appointing Deputies from this State to the Convention proposed to be held in the City of Philadelphia for the purpose of revising the Federal System;" which, by order, was read.

Mr. McCall, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act laying an impost on spirituous liquors imported into this State, and for other purposes."

On motion, by special order,

The bill entitled "An act appointing Deputies from this State to the Convention proposed to be held at Philadelphia for revising the Federal System, &c.," was read a second time, read a third time by paragraphs, and it shall pass.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly with the said bill, for their consideration and concurrence;

Who reported the delivery thereof accordingly.

Mr. Grantham, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act to provide for defraying the expenses of the Justices of the Supreme Court

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and Court of Oyer and Terminer," with a memorial of William Killen and David Finney, Esquires, &c., the excise bill, &c.; which said papers were severally read.

Mr. Dingle, a member of Assembly, attending, was admitted and delivered to the Chair the resolution of that House accepting and agreeing to the proposals of Mr. Read for revising the laws, with the said proposals, which were read.

Ordered, That Mr. Snow wait upon the House of Assembly with the Auditor's bill and the papers of amendments proposed to the same, and an additional amendment proposed to the said bill by Council, with the following verbal message from Council to the House of Assembly:

Gentlemen:

The Council, from the shortness of the time prescribed by your honorable House for the present session, have departed somewhat from the usual mode of transacting business, in the offering another amendment, different from their former one, disagreed to by your honorable House, to the third amendment proposed by the House of Assembly to the Auditor's bill, to wit: that of adding twenty-five pounds to the one hundred pounds set down in your said third amendment; for that the continuance and regular keeping up of that office is of great importance and use to this State, and it is most likely that a person who hath already been exercised in the duties of such an office would be presently most competent for the immediate execution of the various duties thereof, and, in the opinion of this House, it is probable that if the present Auditor should be reëlected he might accept thereof for such annual allowance.

On motion, by special order,

The bill providing for defraying the expenses of the Justices of the Supreme Court, was read a second time and passed the House.

Ordered, That Mr. Neill wait upon the House of Assembly with the said bill and the memorial of Wm. Killen and David Finney, Esquires, &c.;

Who reported the delivery thereof accordingly.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met. Present all the members.

Council being informed that James Newnam, Doorkeeper and Sergeant-at-Arms to this House, had removed from the Town of Dover to the village called Mifflin's Cross Roads, and that it would be inconvenient, both to the Council and to the said James, to be continued in that station, and Benjamin Crooks offering himself to perform that duty, the said Benjamin Crooks is therefore appointed Doorkeeper and Sergeant-at-Arms to this House.

Mr. Shankland, a member of the House of Assembly, attending, was admitted and returned to the Chair the Auditor's bill, with the verbal message from this House to the House of Assembly, thus acted upon in that House:

IN THE HOUSE OF ASSEMBLY, February 3, 1787.

This House having taken the said message into consideration, propose that the sum of three hundred dollars be the yearly salary of the Auditor.

JAS. BOOTH, *Cl'k of Assembly.*

Thus acted upon in Council, February 3d, 1787. Read and agreed to.

JAMES SYKES, *Cl'k of Council.*

Ordered, That Mr. Snow wait upon the House of Assembly with the Auditor's bill, and the verbal message from Council to the House of Assembly;

Who, being returned, reported the delivery thereof accordingly.

Mr. Cannon, a member of Assembly, was admitted and returned to the Chair the bill entitled "An act for appointing Deputies from this State to the Convention, &c.," with an amendment to the same; the letter from Gunning Bedford, Esq., with the following verbal message:

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A VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE COUNCIL.

Gentlemen:

The House of Assembly propose to the honorable the Council that both Houses meet, in the Council Chamber, forthwith, for the purpose of nominating and balloting for Deputies to attend the proposed convention for revising the Federal Constitution; for an Auditor for this State, and for a Delegate to Congress, to supply the place of Gunning Bedford, the elder, Esq., who hath declined to accept of that appointment.

Saturday, P. M., Feb. 3, 1787.

The committee to whom the bill for raising £10,500, &c., was committed, now brought in their report; which was read.

Upon the motion being made and seconded, that Council should proceed presently to the consideration of the said report, the question was put, and the yeas and nays were required by Mr. Tilton, and are as follows:

Yeas—Mr. Tilton, Mr. Snow, Mr. Neill, Mr. Vandyke.

Nays—Mr. Read, Mr. Baning, Mr. Polk, Mr. Laws.

So the House being divided, the Speaker gave his vote against the motion.

Ordered, That Mr. Polk wait upon the House of Assembly with the act appointing Deputies, &c., with the paper of amendments proposed by that House to the said bill, and an amendment proposed by Council to the first mentioned amendments;

Who, being returned, reported the delivery thereof.

Mr. Davis, a member of Assembly, attending, was admitted and delivered to the Chair the memorial and appeal of George Read, with the several papers accompanying the same, together with the decision of that House on the said appeal, which follows. The papers severally were read.

IN THE HOUSE OF ASSEMBLY, February 3, 1787.

The House took into consideration that part of the Auditor's report from which George Read, Esq., appealed; and thereupon

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Resolved, in favor of the appellant, that the sum of twenty-six pounds five shillings be added to the sum reported by the Auditor to be due from this State to the said George Read.

JAMES BOOTH, *Cl'k of Assembly.*

Concurred in by Council.

JAMES SYKES, *Cl'k of Council.*

On motion,

Ordered, That Mr. Laws wait on the House of Assembly with the engrossed bill for incorporating religious societies, which, by order, had been signed by the Speaker of Council; also the several papers concerning Mr. Read's demand against the State, the resolution thereon, to which Council had agreed;

Who, being returned, reported the delivery thereof.

Ordered, That Mr. Neill wait upon the House of Assembly with the bill appointing Deputies, &c.

Ordered, That Mr. Snow wait on the House with the following verbal message:

Gentlemen:

The Council agree to the proposition contained in your verbal message of this afternoon to meet, in the Council Chamber forthwith, for the purpose of nominating Deputies to attend the proposed convention for revising the Federal Constitution, and for an Auditor for this State, and a Delegate to Congress, to supply the place of Gunning Bedford, Esq., the elder, who hath declined to accept of that appointment.

Doct. Evans, a member of Assembly, was admitted and delivered to the Chair the several laws passed at this sitting, with a resolution for affixing the Great Seal thereunto.

Adjourned to 10 o'clock on Monday morning.

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MONDAY, February 5th, A. M.

Council met. Present all the members.

Council proceeded to take into consideration the report of the committee on the bill entitled "An act for raising £10,500 for the service of the year 1787," and after sundry debates thereon, a question was proposed and put, "Do Council agree to the report so far as relates to providing for the requisition of Congress of the 2d of August last for 56,512 dollars?" which passed in the negative.

On motion of Mr. Tilton, that the yeas and nays on the above question be entered on the minutes, it was ordered accordingly, and are as follows, to wit:

Yeas—Mr. Vandyke, Mr. Tilton, Mr. Snow.

Nays—Mr. Neill, Mr. Polk, Mr. Baning, Mr. Read, Mr. Laws.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members, and resumed the consideration of the bill for raising £10,500 for the service of the year 1787, and sundry amendments were proposed and agreed to to Section 17, inclusive. Then, upon reading Sections 18 and 19, a motion was made for introducing an amendment to precede the said Sections 18 and 19, as follows, to wit: "An act for extending the time for collection of the unpaid State tax directed to be raised in the year 1786;" in order to form those two sections, viz: 18 and 19, into a separate act; and, upon the question, it was determined in the affirmative.

Whereupon the yeas and nays were required by Dr. Tilton, and they are as follows:

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For the affirmative—Mr. Read, Mr. Neill, Mr. Laws, Mr. Polk, Mr. Snow.

For the negative—Mr. Tilton, Mr. Vandyke, Mr. Baning.

Then the question being put upon the said sections thus made into a separate act, it was determined in the affirmative, and the yeas and nays being called for were the same as on the next preceding motion.

Ordered, That Mr. Neill wait on the House of Assembly with the last mentioned bill and the amendments proposed thereto by Council, for the consideration and concurrence of that House.

Who, being returned, reported the delivery thereof.

Mr. Porter, a member of Assembly, attending, was admitted and delivered to the Chair resolutions for ascertaining the allowance to the Delegates in Congress, which, by order, were read, and follow in these words:

IN THE HOUSE OF ASSEMBLY, February 5, 1787.

On motion,

Resolved, That each of the Delegates from this State to the Congress of the United States be allowed the sum of forty shillings for every day he shall attend in Congress or any committee thereof, and also the same sum per day for traveling charges in going thereto and returning therefrom. And that each Deputy from this State to the Convention proposed to be held at the City of Philadelphia, for the purpose of revising the Federal Constitution, be allowed the like sum for every day he shall attend the same, and also the same sum per day for traveling charges in going thereto and returning therefrom.

Resolved also, That the President or Commander-in-Chief of this State for the time being, upon each Delegate or Deputy producing an account of his attendance, be and is hereby authorized to draw an order on the State Treasurer, indorsed on such account, for the payment of the same; which account, with the order and receipt, shall be a sufficient voucher for the Treasurer in the settlement of his account.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

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On motion, by order, the resolutions of the House of Assembly declaring the allowance to the Delegates from this State to Congress, and the Deputies to the Convention for revising the Federal Constitution, were read, and an amendment proposed and agreed to.

Ordered, That Mr. Laws wait on that House with the same for concurrence.

Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair the following papers, to wit: A letter from the Auditor, of this day, also reports of the Auditor, of the 2d February, 1785, 4th November, 1785, 14th and 20th January, 1786, and 15th January, 1787, and do. on the petition of Esther Mackey, of same date.

Mr. Shankland, a member of the House of Assembly, was admitted and returned the resolutions for ascertaining the allowance to the Delegates, &c.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, February 6th, A. M.

The order in favor of John McKinly, by order, was signed by the Speaker.

Mr. Shankland, a member of Assembly, attending, was admitted and delivered to the Chair two engrossed bills, the one for extending the time of collection of the unpaid State tax directed to be raised in the year 1786, the other, the bill entitled "An act for raising £10,500 for the service of the year 1787;" a resolution of the House of Assembly for affixing the Great Seal to the above laws; also a resolution of said House instructing the Delegates to Congress from this State to urge Congress to direct the Commissioner of the Continental Loan Office of this State to receive the indents that may be collected from the citizens from this State in discharge of the requisition of Congress of the 27th September, 1785.

The resolution respecting the Great Seal was concurred in, and the above laws were, by order, signed by the Speaker and

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sent to the House of Assembly by Mr. Laws, and the resolution for affixing the Great Seal;

Who, being returned, reported the delivery thereof.

The Council allowed the following accounts:

	£	s	d
To the Honorable George Craghead, Esquire, for 25 days' attendance and mileage,	26	16	0
To George Read, Esq., for do. do.,	18	6	0
To Nicholas Vandyke, Esq., for do. do.,	14	19	4
To Silas Snow, Esq., for do. do.,	14	14	8
To James Tilton, Esq., for do. do.,	15	12	0
To John Baning, Esq., for do. do.,	15	12	0
To Henry Neill, Esq., for do. do.,	13	10	0
To Daniel Polk, Esq., for do. do.,	16	6	0
To Alexander Laws, Esq., for do. do.,	16	2	0
To James Sykes, Clerk, for 26 days' attendance, and for engrossing, paper, &c.,	23	13	4
To Mrs. Elizabeth Battell, for the use of a room, fire-wood and candles,	20	0	0
To James Newnam, Doorkeeper and Sergeant-at-Arms,	9	15	0
	£205	6	4
Additional allowance for 3 days after attendance,	20	3	6
Total amount,	£225	9	10

	£	s	d
To the Honorable George Craghead, Esq.,	2	14	0
To George Read, Esq.,	1	16	0
To Nicholas Vandyke, Esq.,	1	16	0
To Silas Snow, Esq.,	1	16	0
To James Tilton, Esq.,	1	16	0
To John Baning, Esq.,	1	16	0
To Henry Neill, Esq.,	1	16	0
To Daniel Polk, Esq.,	1	16	0
To Alexander Laws, Esq.,	1	16	0
To James Sykes, Clerk,	1	19	0
To James Newnam, Doorkeeper, &c.,	1	2	6
	£20	3	6

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Ordered, That Mr. Snow wait on the House of Assembly with the several reports of the Auditor, agreed to by Council, and a resolution of Council, drawn thereon, empowering the President or Commander-in-Chief to draw orders in favor of the respective persons for the several sums as in those reports are mentioned and specified upon the State Treasurer, payable out of any money in his hands not heretofore specially appropriated;

Who, being returned, reported the delivery thereof.

Council being informed, by the verbal message of the House of Assembly, that the honorable the House of Assembly had this day adjourned the present sessions to Monday, 28th day of May next, on motion,

Resolved, That Council do now adjourn to the same day.

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MEMBERS' NAMES.

FOR NEW CASTLE COUNTY:

GEORGE CRAGHEAD, *Speaker*, GEORGE READ,
NICHOLAS VANDYKE.

FOR KENT COUNTY:

SILAS SNOW, JAMES TILTON, JOHN BANING.

FOR SUSSEX COUNTY:

HENRY NEILL, DANIEL POLK, ALEXANDER LAWS.

JAMES SYKES, *Clerk*.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MAY, 1787.

MAY 28th, 1787.

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Thursday, the 31st of the same month, when there appeared as follows:

For New Castle County—George Craghead, Esq., Speaker.

For Kent County—James Tilton, Silas Snow, John Baning.

For Sussex County—Daniel Polk, Alexander Laws.

On motion, by order, the bill entitled "An act laying an impost on spirituous liquors imported into this State, and for other purposes," was read and referred to a committee of three, to wit: Messrs. Tilton, Polk, and Snow.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and adjourned to 10 o'clock to-morrow morning.

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FRIDAY, June 1st, A. M.

Council met. Present the same members.

The minutes of yesterday were read.

On motion, that as a committee had been appointed at the the meeting of Council in the month of January, 1786, to wit: Messrs. Read, Joshua Polk, and Tilton, to prepare and bring in a bill for straightening the roads of travel and carriage within this State, and that Mr. Read is absent on public business, by the appointment of the General Assembly, as a member of the Federal Convention, and Mr. Joshua Polk is not now a member of this House, and as the business was of importance and necessary to be completed, it was therefore proper that other members should be appointed in the room of those gentlemen; whereupon ordered that Mr. Speaker and Mr. Laws be appointed of that committee in the room of Messrs. Read and Polk.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Mr. Vandyke appeared and took his seat.

Adjourned to Saturday, 10 o'clock, A. M.

SATURDAY, 2d June, A. M.

Council met and adjourned to Monday, 10 o'clock, A. M.

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MONDAY, June 4th, A. M.

Council met.

On motion of Mr. Vandyke, for leave to bring in a bill to alter the judgment at common law against persons convicted of petit treason, the same was granted; whereupon Mr. Vandyke laid a bill for that purpose on the table; which bill, on motion, by order, was read.

On motion, by special order, the said bill was read a second time.

On motion, the same bill was read a third time by paragraphs, passed the House, and ordered to be transcribed and sent to the House of Assembly for consideration and concurrence.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly with the transcribed bill for altering the judgment in petit treason;

Who, being returned, reported the delivery thereof.

Adjourned to ten o'clock to-morrow morning.

TUESDAY, June 5th, A. M.

Council met. The minutes of yesterday were read.

Mr. Moore, a member of Assembly, attending, was admitted and returned to the Chair the bill entitled "An act to alter the judgment at common law against persons convicted of petit treason," with some amendments proposed by that House; which, on motion, by order, were read and agreed to.

On motion, ordered that the said bill be engrossed.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

The engrossed bill entitled "An act to alter the judgment at common law against persons convicted of petit treason," was read and compared according to the amendments agreed to.

Ordered, That Mr. Snow wait on the House of Assembly with the said engrossed bill;

Who, being returned, reported the delivery thereof.

Mr. Gordon, a member of Assembly, attending, was admitted and returned the bill for altering the judgment in petit treason. signed by the Speaker of the House Assembly.

Ordered, That the said bill be signed by the Speaker of this House; which was done accordingly.

Mr. Gordon also delivered to the Chair a resolution of the House of Assembly for affixing the Great Seal to the foregoing law, which follows in these words:

IN THE HOUSE OF ASSEMBLY, June 5th, 1787.

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following law:

"An act to alter the judgment at common law against persons convicted of petit treason."

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

In Council, same day, read and concurred in.

JAMES SYKES, *Cl'k of Council.*

Ordered, That Mr. Polk wait on the House of Assembly and return the last mentioned bill and resolution for affixing the Great Seal thereunto, agreed to by Council;

Who, being returned, reported the delivery thereof.

Adjourned to 10 o'clock to-morrow morning.

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WEDNESDAY, June 6th, A. M.

Council met. The minutes of yesterday were read.

Mr. Speaker laid on the table a resolution of the House of Assembly, relating to the time of the adjournment of that House, which had been delivered to him by Mr. Evans, a member of Assembly, after the adjournment of Council.

On motion, by order, the said resolution was read, and follows in these words:

IN THE HOUSE OF ASSEMBLY, June 5th, 1787.

On motion,

Resolved unanimously, That this House intend, to-morrow evening, to conclude the present session by adjourning the same to some future day.

Ordered, That Mr. Evans wait on the Council with a copy of the said resolution for their information.

JAS. BOOTH, *Cl'k of Assembly.*

On motion,

The bill entitled "An act to enable the owners and possessors of a certain parcel of marsh, meadow, and cripple, hereinafter described, situate on Little St. Georges Creek, in St. Georges Hundred, in New Castle County, fronting the River Delaware, to keep the banks, dams, sluices and floodgates thereof in repair," was read a second time.

On motion and on the question, the said bill passed the House.

Ordered, That Mr. Polk wait on the House of Assembly and return the same, with the petition and newspaper that accompanied the same;

Who, being returned, reported the delivery thereof.

The committee to whom was referred the bill entitled "An act laying an impost on spirituous liquors imported into this State,

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and for other purposes," now reported some amendments thereunto, which they submitted to the House.

On motion, ordered that the same be read; which was done accordingly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Mr. Neill appeared and took his seat.

Mr. Cannon, a member of Assembly, was admitted and delivered to the Chair a resolution of that House respecting the meeting of both Houses in the Council Chamber; which, on motion, by order, was read, and follows in these words:

IN THE HOUSE OF ASSEMBLY, June 6, 1787, P. M.

On motion,

Resolved, That Mr. Cannon wait on the Council, and propose to that honorable body that both Houses of the General Assembly meet in the Council Chamber at six o'clock this afternoon, and put in nomination persons out of whom shall be elected, by ballot, a Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, to supply the vacancy occasioned therein by the death of Abraham Robinson, Esq.; and also a Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, to supply the vacancy occasioned by the appointment of Thomas Collins, Esq., to the Presidency of this State. JAS. BOOTH, *Cl'k of Assembly*.

In the Council, June 6th, 1787, P. M., read and concurred in.

JAMES SYKES, *Cl'k of Council*.

On motion,

Ordered, That Mr. Snow wait on the House of Assembly and return the above resolution, concurred in by Council;

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Who, being returned, reported the delivery thereof according to order.

In pursuance of the joint resolution of both Houses, the two Houses met, in the Council Chamber, and put in nomination the following persons from whom to appoint a Justice of the Court of Common Pleas and Orphans' Court of the Counties of New Castle and Kent:

FOR NEW CASTLE COUNTY,

Mr. Grantham names Mr. Porter.
Mr. Vandyke names Mr. Craghead.

FOR KENT COUNTY,

Mr. Rodney names Mr. Smith as Chief Justice.
Mr. Rodney names Mr. Carty.
Mr. McCall names Mr. Cook.
Mr. Gordon names Mr. Clayton.

Then the two Houses separated.

The Council took into consideration the amendments to the bill entitled "An act for laying an impost on spirituous liquors, &c.," and after some time spent therein the same were agreed to, and ordered to be transcribed and sent to the House of Assembly for concurrence.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, June 7th, A. M.

Council met. The minutes of yesterday were read.

Mr. Davis, a member of Assembly, was admitted and deliver- to the Chair a verbal message from that House in the following words:

VERBAL MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

Gentlemen:

The House of Assembly propose to the honorable the Council

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that both Houses of the General Assembly meet, in the Council Chamber, at 12 o'clock this day, and proceed to the appointment by ballot of persons to fill the vacancies in the Court of Common Pleas and Orphans' Court for the Counties of New Castle and Kent.

Thursday, A. M., June 7th, 1787.

Ordered, That Mr. Neill wait on the House of Assembly with the bill for laying an impost on spirituous liquors, and the amendments proposed thereunto by Council;

Who, being returned, reported the delivery thereof.

On motion, Council took into consideration the proposals of George Read, Esquire, concerning the revising the laws of this State, and the resolution of the House of Assembly accepting and agreeing to the said proposals; and upon the question, "Do Council concur with the House of Assembly in that resolution?" it passed in the negative.

Ordered, That Mr. Laws wait on the House of Assembly and return the said proposals and resolution thus acted upon by Council.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Laws reported the delivery of the proposals of Mr. Read, and resolution of the House of Assembly thereon, to that House, according to order.

On motion, the House proceeded to the nomination of persons, one of whom to be elected, to fill up the place of Major James Black in the Privy Council, whose time is expired.

Mr. Laws names Silas Snow, Esquire.
Mr. Tilton names Eleazer McComb, Esquire.

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On motion,

Resolved, That Council will, to-morrow morning, proceed to the balloting for a Privy Councillor in the room of Major Black.

Mr. Grantham, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act for extending the time for collection of the unpaid State tax directed to be raised in the year 1786."

On motion, by order, the said bill was read.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, June 8th, A. M.

Council met. The minutes of yesterday were read.

Mr. Porter, a member of Assembly, was admitted and delivered to the Chair a bill entitled "A further supplementary act to the act entitled 'An act for the more easy and speedy recovery of small debts;'" also a resolution of that House of their intention to conclude the present session this evening by adjourning the same to some future day.

On motion, by order, the said bill was read.

On motion, by special order, the said bill was read a second time.

Mr. Charles Polk, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act for appropriating the sum of £10,500."

On motion, by order, the said bill was read.

Mr. McCall, a member of Assembly, was admitted and delivered to the Chair a bill entitled "A further supplement to an act entitled 'An act for calling in and destroying such of the Bills of Credit, emitted by virtue of any law of this State, passed under

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the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned.' "

On motion, by special order, the bill entitled "An act for appropriating the sum of £10,500, was read a second time.

On motion, by order,

The bill entitled "A further supplement to an act for calling in and destroying such of the Bills of Credit emitted, &c.," was read.

On motion, the bill for appropriating the sum of £10,500, was read by paragraphs and passed the House.

On motion,

Ordered, That Mr. Neill wait on the House of Assembly with the supplementary bill for the more easy and speedy recovery of small debts, with some amendments proposed by Council thereunto; also the bill for appropriating the sum of £10,500, which had passed Council.

On motion, by special order,

The bill entitled "A further supplement to an act for calling in and destroying Bills of Credit, &c.," was read a second time by paragraphs and passed the House.

Ordered, That Mr. Neill wait on the House of Assembly and return the last mentioned bill, which had passed the Council;

Who, being returned, reported that he had delivered the above acts according to order.

On motion, by order,

The bill for extending the time of collection of the unpaid State tax directed to be raised in 1786, was read a second time.

Agreeable to the order of the day, Council proceeded to ballot for a Privy Councillor, and the votes being taken by the Speaker and read, it appears that Eleazer McComb, Esq., was elected by a majority of votes, and is declared duly elected.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

Mr. Broom, a member of Assembly, attending, was admitted and returned to the Chair the supplementary bill to the act for the more easy and speedy recovery of small debts, with the amendments of Council, to the first of which they had disagreed, and to the second agreed; whereupon Council, after considering their first amendment, receded therefrom and proposed an additional amendment.

Ordered, That Mr. Laws wait on the House of Assembly and return the last mentioned bill, thus acted upon by Council;

Who, being returned, reported that he had delivered the same according to order.

The Council took into consideration the bill entitled "An act for extending the time for collection of the unpaid State tax directed to be raised in the year 1786," and after some time spent therein, the question was put and the bill rejected.

Ordered, That Mr. Snow wait on the House of Assembly and return the said bill, thus acted upon by Council:

Who, being returned, reported the delivery thereof.

Mr. Shankland, a member of Assembly, was admitted and delivered to the Chair the following bills, signed by the Speaker of the House of Assembly, to wit:

"An act for appropriating the sum of £10,500;"

"A further supplementary act to the act entitled 'An act for the more easy and speedy recovery of small debts;' "

"A further supplement to an act entitled 'An act for calling in and destroying such of the Bills of Credit emitted by virtue of any law of this State, passed under the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned;' " and

"An act to enable the owners and possessors of a certain parcel of marsh, meadow, and cripple, hereinafter described,

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situate on Little St. Georges Creek, in St. Georges Hundred, in New Castle County, fronting the River Delaware, to keep the banks, dams, sluices, and floodgates thereof in repair."

Also, a resolution of the House of Assembly for affixing the Great Seal to the above mentioned bills; which was concurred in by Council.

On motion, the foregoing bills were compared and ordered to be signed by the Speaker; which was done accordingly.

Ordered, That Mr. Neill wait on the House of Assembly with the above laws and resolution;

Who, being returned, reported the delivery thereof.

Adjourned to 6 o'clock to-morrow morning.

SATURDAY, June 9th, A. M.

Council met, and proceeded to the settlement of the expenses of this sitting, and the following accounts were allowed, viz:

To the Hon. George Craghead, Esq., Speaker, for 13 days' attendance in Council and mileage, . .	£	13	6 0
To Nicholas Vandyke, Esq., for ditto, ...		6	11 4
To Silas Snow, Esq., for ditto, ...		8	2 8
To James Tilton, Esq., for ditto, ...		7	16 0
To John Baning, Esq., for ditto, ...		7	16 0
To Daniel Polk, Esq., for ditto, ...		7	18 0
To Alexander Laws, Esq., for ditto, ...		7	14 0
To Henry Neill, Esq., for ditto, ...		3	18 0
To James Sykes, Clerk, ...		8	10 6
To Mrs. Elizabeth Battell, for the use of a room, . .		7	10 0
To Benjamin Crooks, Doorkeeper, ...		5	2 6
	£	84	5 0

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Ordered, That the Speaker sign orders on the State Treasurer in favor of the above persons for the sums above mentioned; which was done accordingly.

On motion,

Ordered, That the Minutes of Council be transcribed by the Clerk from their sessions in October, 1783, to the present, both inclusive, and that Messrs. Tilton and Sykes correct the same, and have two hundred copies thereof printed before the next meeting of the General Assembly.

Adjourned to 27th of August next.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, AUGUST, 1787.

At a meeting of the Council, by adjournment, August 27th, 1787, a sufficient number of the members not having appeared to form a quorum, they adjourned from day to day until Thursday, the 30th of this instant, when the following gentlemen appeared, viz:

For New Castle County—The Hon. George Craghead, Esq., Speaker; Nicholas Vandyke.

For Kent County—Silas Snow, James Tilton, John Baning.

On motion, ordered

That Messrs. Vandyke and Tilton wait on his Excellency, the President, and inform him that Council was sitting and ready to receive any business that he may have to lay before them.

The gentlemen, being returned, report that they had waited on his Excellency, the President, according to order, and that he was pleased to say that he had several public communications in his possession, which, if Council thought it necessary, he was ready to lay before them.

On motion, ordered

That Mr. Snow wait on his Excellency and receive these communications from his hands and present them to Council.

Mr. Snow, being returned, reported that he had waited on his

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Excellency, the President, agreeable to order, and that he was pleased to say the papers before mentioned were not in such order as he would wish to present them in to Council, that he had not been explicit enough on the subject when the Committee waited on him, nor had he any message prepared, but that if the Council thought it proper to sit on the morrow he would have the papers in order.

Adjourned to eight o'clock to-morrow morning.

FRIDAY, August 31st, A. M.

Council met. Present the same members.

The Clerk of Council delivered to the Chair a message from his Excellency, the President to the Council, accompanied by the following papers: a letter from the Secretary of Congress, of the 2d July last, with its enclosures; one of the 12th of the same month, with a copy of a treaty between the United States of America and the Emperor of Morocco; one of the 14th, with its inclosures; one of the 31st, with its inclosures; also a letter from the Secretary of Foreign Affairs, of the 3d July, with its inclosures; which, by order, were severally read.

Then the following accounts were allowed:

To the Hon. George Craghead, Esq., Speaker, for 5 days' attendance and mileage, ...	£	6	2 0
To Nicholas Vandyke, Esq., for 3 days' attendance and mileage, ...		2	18 0
To James Tilton, Esq., for 2 days' attendance, . . .		1	4 0
To John Baning, Esq., for do., ...		1	4 0
To Silas Snow, Esq., for do. and mileage, ...		1	10 8
To James Sykes, for 5 days, ...		3	2 6
To Benj. Crooks, for do., ...		2	12 6
To Mrs. Battell, for use of a room, ...		2	15 0
	£	21	8 8

Adjourned to 20th day of October next.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a session convened at Dover, on the twentieth day of October, in the year of our Lord one thousand seven hundred and eighty-seven, divers of the members met, but the number not being a quorum, they adjourned from day to day until Thursday, the twenty-fifth of the same month.

THURSDAY, A. M., October 25th, 1787.

It appears by the returns of the officers of the Counties of New Castle and Kent, appointed by law to be Judges of Elections, that on the first day of October instant, at the usual places of election for the said Counties, the following gentlemen were chosen to represent the said Counties respectively as members of the Legislative Council of the Delaware State, for three years next ensuing the said election, to wit:

For New Castle County—Thomas McDonough.

For Kent County—John Cook.

All the members of the Council now appeared except Messrs. Vandyke, Tilton and Baning.

The House proceeded to the choice of a Speaker, and Thomas McDonough, Esquire, was unanimously elected.

The Speaker, in the Chair, and afterwards Mr. Cook, took,

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made and subscribed the oath and affirmation of allegiance and declaration prescribed by the Constitution. [*See note on page 10.*]

On motion, ordered

That Mr. Read, Mr. Cook, and Mr. Laws be a committee to wait on his Excellency, the President, and inform him that the Council had met and were ready to receive any business he might have to lay before them.

The committee above mentioned, being returned, report that they had waited on his Excellency according to order, who informed them that he had sent a message, with sundry papers, to the House of Assembly, which, in due time, would come before the Council.

Mr. Read, as one of the deputies from this State to the convention held in Philadelphia, for the purpose of revising the Articles of Confederation, laid on the table a printed copy of the plan of the Constitution for the United States of America, agreed to by the said convention.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Mr. Baning now appeared in the Council and took his seat.

Mr. Evans, a member of Assembly, was admitted and delivered to the Chair a message from the President and the following public letters, with their enclosures, to wit: From the Commissioners of the Treasury of the 25th of May; from the Secretary for Foreign Affairs of the 11th of October; and from the Secretary of Congress of the 25th of July, 10th of August, 3d and 28th of September, in which was inclosed the Federal Constitu-

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tution, and of the 2d of October, 1787; which were read. The President's message is in these words:

Gentlemen of the General Assembly:

The Secretary will communicate to you, for your consideration, the following public letters, with their enclosures, which I have lately received, to wit: from the Commissioners of the Treasury, of the 28th of May; from the Secretary for Foreign Affairs, of the 11th of October; and from the Secretary of Congress, of the 25th of July, 10th of August, 3d and 28th of September, and 2d of October, 1787.

With the above mentioned letter of the 28th of September, the Federal Constitution, as reported by the late Convention of the States, is now transmitted to you conformably to the unanimous resolution of Congress thereon, in order to be submitted to a convention of Delegates, to be chosen by the people of the State, for their assent and ratification; and I cannot, upon the present occasion, avoid recommending it to your attention as a subject of the most important consideration, involving in its adoption not only our prosperity and felicity, but perhaps our national existence. THOMAS COLLINS.

Dover, October 24, 1787.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., October 26th, 1787.

The Council met. Present the same members as on yesterday, and Mr. Tilton, who now appeared in the House and took his seat.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

The Council met agreeable to adjournment.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., October 27th, 1787.

The Council met. Present the same members.

Ordered, That the President's Message, with the several papers which accompanied the same, be returned to the House of Assembly by Mr. Laws.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

The Speaker laid on the table a bill entitled "An act for altering the quorum of the House of Assembly," which had been delivered to him by a member of that House after the adjournment of Council.

The said bill was read the first time.

By special order, the said bill was read a second time.

The said bill was read the third time and concurred in.

Ordered, That the same be returned, by Mr. Laws, to the House of Assembly, as acted upon by Council.

Mr. Laws reported the delivery of the above bill to the House of Assembly.

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Mr. Gordon, a member of Assembly, was admitted and delivered to the Chair the bill entitled "An act for altering the quorum of the House of Assembly," engrossed, with a resolution of that House for affixing the Great Seal of the State to the same.

The said bill being compared, ordered that the Speaker of Council sign the same; which was done accordingly.

The resolution for affixing the Great Seal to the above mentioned bill was read and concurred in.

Ordered, That the last mentioned bill, and the resolution for affixing the Great Seal to the same, be returned to the House of Assembly, by Mr. Tilton, as acted upon by the Council.

Mr. Tilton reported the delivery of the same.

Adjourned to 10 o'clock on Monday morning.

MONDAY, A. M., October 29th, 1787.

The Council met. Present the same members who attended on Saturday last, except Mr. Cook.

Mr. Speaker laid on the table a report of the Auditor of Accounts, dated this day; also a report of the outstanding taxes, reported June 5th, 1787.

Ordered to lie on the table.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to 10 o'clock to-morrow morning.

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TUESDAY, A. M., October 30th, 1787.

The Council met. Present the same members.

Mr. Cook, having returned, now appeared in the Council.

The Speaker laid on the table a paper purporting to be the return of a Counsellor for the County of Sussex, for the present year, which was read, and follows in these words, to wit:

SUSSEX COUNTY, DELAWARE STATE:

This indenture made this fifteenth day of October, in the year of our Lord, one thousand seven hundred and eighty-seven, between Thomas Laws, Sub-Sheriff of the County, of the one part, and Francis Wright, Thomas Laverty, William Peery, and Peter Marsh, Inspectors, and John Paynter and David Hall, gentlemen, freeholders of the said County, of the other part, witnesseth, that the said Inspectors, together with a number of freeholders of the said County, having met at the Court House in Lewes, on the first day of October instant, and continued by adjournments until this day, did then and there choose, elect, and nominate Simon Kollock, gentleman, to be Counsellor for the County aforesaid, pursuant to the Constitution or System of Government of the State of Delaware.

In testimony whereof the said Sub-Sheriff, Inspectors, and Freeholders have hereunto signed their names and affixed their seals the day and year first above written.

THOMAS LAWS, *S. Sheriff*, [SEAL.]
FRANCIS WRIGHT, [SEAL.]
THOMAS LAVERTY, [SEAL.]
SOLOMON WILLEY, [SEAL.]
WILLIAM PEERY, [SEAL.]
JOSEPH DAWSON, [SEAL.]
DAVID HALL, [SEAL.]
PETER MARSH, [SEAL.]
JOHN PAYNTER, [SEAL.]

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On motion, ordered,

That the Auditor be notified that his annual report, of the 27th and 29th instant, doth not contain any general account of debts due to the State, as expressed in the 13th section of the law under which he acts, and which enumerates the heads whereof such general account shall consist, and that he furnish Council with such general account as speedily as possible.

Ordered, That the above order be transcribed, and that Mr. Polk wait on the Auditor and deliver the same.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Mr. Polk reported that he had delivered the above order to the Auditor, and that he was informed by him that an official report would be made to-morrow, so far as his books enabled him to make such report.

Mr. Cook desires leave of absence until to-morrow morning, and the same is granted.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, A. M., October 31st, 1787.

The Council met. Present the same members.

On motion, ordered,

That the Sheriff and Sub-Sheriff of Sussex County be notified

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to attend the Council forthwith, to be examined touching the election of Sussex County.

The Sheriff and Sub-Sheriff attended accordingly, and the Council proceeded to the examination.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment, and proceeded in the examination of the Under Sheriff of Sussex County concerning the election in that County.

Ordered that Mr. Peery be notified to attend the Council forthwith, to be examined touching the late election in Sussex County.

Mr. Peery attended accordingly.

Adjourned to ten o'clock to-morrow morning.

THURSDAY, A. M., November 1st, 1787.

The Council met. Present the same members.

Mr. Davis, a member of Assembly, was admitted and he delivered to the Chair four petitions from 121 of the inhabitants of Sussex County against the late election in said County.

Ordered to lie on the table.

Mr. Speaker laid on the table a report of the Auditor, dated October 31st, in obedience to the order of the Council of 30th of October, with two inclosures, the first containing a list of specie taxes preceeding 1784, committed to Collectors of Hun-

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dreds, and still outstanding; the second containing a list of open accounts in the public books, on which balances appear to be due to the State.

On motion, ordered,

That the Auditor be further notified that his additional report of yesterday is not sufficiently explicit as to the sum of the State tax, outstanding in the hands of the several persons in New Castle and Kent Counties, previous to 1784, for that the sums annexed to each delinquent's name may comprehend as well County as State tax, when the delinquency as to State tax was only necessary for legislative information. And also that no specific statement is made of the tax outstanding in Sussex County, before 1784, showing who may be delinquents therein.

Ordered, That the Clerk of this House transcribe the above order and wait on the Auditor with the same.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., November 2d, 1787.

The Council met. Present the same members.

Mr. Latimer, a member of the House of Assembly, was admitted and he delivered to the Chair the following papers, to wit: A bill entitled "An act granting to Oliver Evans, for a term of years, the sole and exclusive right of making and selling within this State the machines herein described," with two petitions of the said Oliver Evans, praying an exclusive privilege of con-

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structing and employing a steam-carriage which he hath invented, capable of carrying heavy burdens, to be propelled by the agency of steam and the pressure of the atmosphere, without the aid of animal force; a recommendation from sundry persons respecting Evans' machine, and a report of a committee of the House of Assembly on the said petitions; and a resolution of that House permitting Oliver Evans to bring in the above mentioned bill; also a petition from James Adams, with his general account; a report of a committee of the House of Assembly upon that part of James Adams' petition which appeals from the Auditor's report; and a resolution of the House of Assembly upon the appeal of James Adams; which said papers were severally read.

Ordered to lie on the table.

On motion of Mr. Read, for leave to bring in a bill for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number, the same was granted; whereupon he presented to the Chair a bill for that purpose, which was read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

The bill entitled "An act for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number," was read a second time and deferred for further consideration.

The petitions from sundry inhabitants of the County of Sussex against the late election in said County, were read.

Ordered to lie on the table.

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Mr. Speaker laid on the table a report of the Auditor of Accounts, of this day, in compliance with the order of Council of yesterday; which was read.

Ordered to lie on the table.

By special order, the bill entitled "An act granting to Oliver Evans, for a term of years, the sole and exclusive right of making and selling within this State the machines herein described," was read a second time and deferred for further consideration.

Mr. Laws desires leave of absence until Tuesday next. The same is granted.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., November 3d, 1787.

The Council met. Present the same members, except Mr. Laws.

The bill entitled "An act for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number," was read a third time by paragraphs and passed the House.

Ordered, That the said bill be transcribed, and sent to the House of Assembly for their consideration and concurrence.

The Council now resumed the consideration of the contents of the paper purporting to be the return of a Counsellor for the County of Sussex for the present year.

On motion of Mr. Tilton, seconded by Mr. Baning, that the following resolution should be adopted by the Council, to wit:

WHEREAS the disturbances in Sussex County, which have occasioned the disputed election now under the discussion of this House, appear manifestly to flow from causes that have subsisted from the beginning of the war with Great Britain, and through the Revolution, until this day, and are now of so serious

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a nature as to deserve the most attentive and thorough investigation; and whereas to decide on the election upon the information given upon one side only, without hearing those complained of, as well as those complaining, must be an *ex parte* procedure contrary to the rules of justice and moderation; and whereas there is also reason to apprehend that besides setting aside the election there may be further proceedings of the Legislature, for the purpose of disgracing or punishing those complained of by the petitioners, whereby they will be condemned unheard, and may be rendered more desperate in their conduct, and the disorder of this Government become more extended and dreadful in their consequences; therefore

Resolved, That such of the persons complained of in the petitions as choose be permitted to attend and be heard in their own justification, and that such person or persons as can throw light upon this important subject be ordered to attend and give their evidence; that, after the fullest information and the most free and open discussion of the matter, the House may be enabled to proceed in so important a business in such manner as shall most effectually quiet the minds of the people.

The question was put, and the yeas and nays being required by Mr. Tilton, they are as follows:

Yeas—Mr. Tilton, Mr. Baning.

Nays—Mr. Read, Mr. Cook, Mr. D. Polk.

So it passed in the negative.

Whereupon, on motion, it is

Resolved, That the said election of a member of this House, in the present year, for the County of Sussex, was not freely, legally, and indifferently made, and it is adjudged by the Council that Simon Kollock, in the indenture of return aforesaid, was not duly elected.

The question being put on the above resolution, the yeas and nays were required by Mr. Tilton, and they are as follows:

Yeas—Mr. Read, Mr. Cook, Mr. Polk, Mr. Baning.

Nay—Mr. Tilton.

So it passed in the affirmative.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to 10 o'clock on Monday morning.

MONDAY, A. M., November 5th, 1787.

The Council met. Present the same members.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

A motion was made by Mr. Tilton, seconded by Mr. Baning, that he should have leave to enter his reasons of dissent and protest against the resolution of Saturday last on the subject of the late election of Sussex County, and, after debate, a motion was made and seconded to postpone the consideration of the said motion, and to take up the following, to wit: Whether such reasons of dissent and protest on this or on any other occasion should be admitted to be entered on the minutes of this House, as the entering of the yeas and nays of every member on any question taken in this House, on the request of any one member, was a standing rule thereof? And on the question, the same was postponed accordingly.

Resolved, That to-morrow morning be assigned for the consideration of the last mentioned motion.

Adjourned to 10 o'clock to-morrow morning.

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TUESDAY, A. M., November 6th, 1787.

The Council met. Present the same members.

Agreeable to the order of the day, the Council proceeded to the consideration of the motion of yesterday afternoon, to wit: Whether such reasons of dissent and protest on this or on any other occasion should be admitted to be entered on the minutes of this House, as the entering of the yeas and nays of every member on any question taken in this House, on the request of any one member, was a standing rule thereof? And on the question, the yeas and nays were required by Mr. Read, and they are as follows:

Yea—Mr. Tilton.

Nays—Mr. Read, Mr. Cook, Mr. Polk, Mr. Baning.

So it passed in the negative.

Mr. McCall, a member of the House of Assembly, was admitted and he returned to the Chair the bill for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number, concurred in by that House.

Ordered that the said bill be engrossed.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Mr. Laws appeared in the House and took his seat.

Mr. Evans, a member of Assembly, was admitted, and he delivered to the Chair a bill entitled "An act to repeal an act entitled 'An act for the further security of the Government;'" which was read.

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Ordered to lie on the table.

Ordered, That the petitions from sundry of the inhabitants of Sussex County, against the late election in said County, be returned to the House of Assembly by Mr. Laws.

Adjourned to to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., November 7th, 1787.

The Council met. Present the same members.

The report of the committee of the House of Assembly upon that part of James Adams' petition which appeals from the Auditor's report, and the resolution of that House upon the said appeal, were read a second time, and the said resolution was concurred in by the Council.

The bill for granting to Oliver Evans an exclusive right in making certain machines, was read the third time by paragraphs and passed the House.

Ordered, That the said bill, with the several papers which accompanied the same, and the resolution of the House of Assembly upon the appeal of James Adams, with the petition and the account of the said James Adams, and the report of the committee of the House of Assembly on the same, be returned to the House of Assembly by Mr. Cook.

Ordered, That the Speaker sign the engrossed bill entitled "An act for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number;" which was done accordingly.

Ordered, That Mr. Cook wait on the House of Assembly with the said engrossed bill, in order that the same may be signed by the Speaker thereof.

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The bill entitled "An act to repeal an act entitled 'An act for the further security of the Government,'" was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, A. M., November 8th, 1787.

The Council met. Present the same members.

Mr. Revell, a member of Assembly, was admitted, and he delivered to the Chair certain resolutions of that House for calling a Convention for the purpose of ratifying the Federal Constitution.

Ordered to lie on the table.

On motion, by order, the ordinance of Congress of May, 1787, for settling the accounts between the United States and individual States, was read.

Ordered, that Messrs. Read, Tilton, and Laws be a committee to whom the said ordinance shall be referred, to report what may be necessary to be done thereon on the part of this State.

The resolutions of the House of Assembly for calling a Convention were read. Deferred for further consideration.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

The Council met according to adjournment.

Mr. Evans, a member of Assembly, was admitted, and he delivered to the Chair a resolution of that House respecting their intention to conclude the present session on Saturday next by adjourning the same to some future day; which was read.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., November 9th, 1787.

The Council met. Present the same members.

The resolutions of the House of Assembly for calling a Convention for the purpose of ratifying the Federal Constitution, were read a second time.

The Clerk of this House laid on the table four petitions from sundry inhabitants of New Castle County, and a petition from the Grand Jurors of the Court of Oyer and Terminer, held at New Castle on the 5th of October, 1787, in favor of the Federal Constitution; also two petitions from sundry inhabitants of the said county for a cession of district to Congress for exclusive jurisdiction; which said petitions were delivered to him by the Clerk of the House of Assembly.

The said petitions were severally read. Ordered to lie on the table.

Sundry amendments being proposed by the Council to the resolutions of the House of Assembly for calling a State Convention,

Ordered, That the same be transcribed and sent to the House of Assembly for their consideration and concurrence.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

The Council met according to adjournment.

Ordered, That Mr. Cook wait on the House of Assembly with the amendments offered by Council to the resolutions for calling a State Convention.

Mr. Robinson, a member of Assembly, was admitted, and he delivered to the Chair a bill entitled "An act for altering the place of election for the County of Sussex for the present year one thousand seven hundred and eighty-seven;" which was read, with two petitions from sundry inhabitants of Sussex County, on which the said bill is founded.

Ordered to lie on the table.

On motion, ordered,

That a new election be had in the County of Sussex of a member for this House, in the place of Simon Kollock, Esq., who was declared not duly elected by the resolve of Saturday last, and that the Speaker issue a writ accordingly.

By special order, the last mentioned bill was read a second time and deferred for further consideration.

Mr. Grantham, a member of Assembly, was admitted and he delivered to the Chair the following resolution of that House:

IN THE HOUSE OF ASSEMBLY,
FRIDAY, P. M., Nov. 9th, 1787.

On motion,

Resolved, That Mr. Grantham wait upon the Council and propose to that honorable House that both Houses of the General Assembly meet, in the Council Chamber, to-morrow, at three o'clock in the afternoon, to put in nomination persons to be balloted for as Delegates to represent this State in the Congress of the United States until the first Monday in November next.

JAMES BOOTH, *Cl'k of Assembly*.

Sent for concurrence.

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The said resolution was read and concurred in by the Council.

Ordered, That Mr. Cook wait upon the House of Assembly and return the said resolution, as acted upon by the Council.

Mr. Cook reported the delivery of the said resolution according to order.

Adjourned to ten o'clock, &c.

SATURDAY, A. M., November 10th, 1787.

The Council met, &c.

Mr. Vining, a member of Assembly, being admitted, delivered to the Chair the resolutions for calling a State Convention, with the several amendments proposed thereto by the Council acceded to by the House of Assembly, which said resolutions, as amended and agreed to by both Houses, are as follows:

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
FRIDAY, P. M., November 9th, 1787.

WHEREAS the Convention of Deputies from the United States, lately assembled at the City of Philadelphia, have proposed a Constitution for the said States, to be submitted to a Convention of Delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification; and that each Convention assenting to, and ratifying the same, should give notice thereof to the United States in Congress assembled;

And whereas the United States in Congress assembled have *unanimously resolved* that the said Constitution, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the people thereof, in conformity to the resolves of the Convention made and provided in that case;

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And whereas it is the sense and desire of great numbers of the good people of this State, signified in petitions to this General Assembly, that speedy measures should be adopted to assemble a Convention within the State for the purpose of deliberating and determining on the said Constitution;

Resolved, 1. That it be, and hereby is, recommended to the freemen and inhabitants of this State, who are qualified by law to vote for Representatives to the General Assembly, that they choose suitable persons to serve as Delegates in a State Convention for the purpose herein before mentioned, that is, for the three Counties the same number of Delegates that each is entitled to of Representatives in the General Assembly, to wit: ten for the County of New Castle; ten for the County of Kent; and ten for the County of Sussex.

2. That the elections for Delegates aforesaid, in the respective Counties of this State, be held on Monday the 26th day of this instant November, at the same places where the general elections for Representatives to the General Assembly are or may be by law appointed to be held; and that the same be conducted by the officers who conduct the said election of Representatives, and agreeably to the rules and regulations thereof; and that the persons so elected to serve in Convention, meet at the Town of Dover on the Monday following.

3. That the Delegates who attend the said Convention be entitled to the same allowance per diem as Representatives to the General Assembly are entitled to receive for their attendance; which said allowance shall be paid by the State Treasurer, upon receiving an order for the same, signed by the President of this State.

4. That the President or Commander-in-Chief transmit to the Convention aforesaid, when met, an authentic copy of the Federal Constitution aforesaid.

5. That the proposition submitted to the General Assembly, by petition from divers of the freemen resident in the upper part of this State, of ceding to the United States a district within the State for the Seat of the Government of the United States, and for the exclusive legislation of Congress, be and hereby is recommended to the particular consideration of the Convention.

6. That for the information of the citizens of this State the

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Clerk of this House cause the aforesaid resolutions to be published in the Delaware Gazette, and procure one hundred copies to be printed, and transmitted to the Sheriffs of the several Counties, to be by them fixed up at the most public places in their Counties respectively.

Signed by order of the House of Assembly,

JEHU DAVIS, *Speaker.*

Sent for concurrence.

In Council, Saturday, A. M., November 10th, 1787, read and concurred in.

Signed by order of the Council,

THOMAS McDONOUGH, *Speaker.*

On motion, by order,

The bill entitled "An act for altering the place of election for the County of Sussex for the present year, 1787," was read the third time by paragraphs and passed the House.

On the question being put on the said bill, the yeas and nays were required by Mr. Tilton, and they are as follows:

Yeas—Mr. Read, Mr. Cook, Mr. Polk, Mr. Laws, Mr. Baning.

Nay—Mr. Tilton.

So it passed in the affirmative.

Ordered, That the said bill, with the petition which accompanied the same, be returned to the House of Assembly.

Ordered, That the resolutions for calling a State Convention, with the several petitions in favor of the Federal Constitution, and the petitions for the cession of a district to Congress for exclusive legislation, be returned to the House of Assembly.

The committee to whom was referred the ordinance of Congress, of the 7th of May last, for settling the accounts between the United States and individual States, to report what might be necessary to be done thereon on the part of this State, now made their report; which was read.

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The said report was read a second time and agreed to, as follows:

WHEREAS Eleazar McComb, Esq., the Auditor of Accounts for this State, on the 24th June, 1786, was elected by the General Assembly the Commissioner to complete a settlement of the accounts of this State with the United States; and some doubts have been made by Mr. McComb, whether the said appointment continues, so as to authorize him to proceed in the said business with the Commissioner, or his deputy, appointed under the ordinance of Congress, of the 7th May last, for settling the accounts between the United States and individual States for the district of which this State forms a part; therefore

Resolved, That it is the opinion of this General Assembly, that the appointment made of the said Eleazar McComb as aforesaid doth still continue; and he is hereby authorized and required to use all due diligence in collecting and stating such accounts of this State as come within the description of the accounts and claims of individual States against the United States, as enumerated in the ordinance aforesaid; and to procure sufficient or the best attainable vouchers to support the accounts and claims of this State against the United States; and for this end he is hereby impowered to call for books and papers relating to the same, which have come to the hands or possession of any person in public office or appointment, or after into the possession of others by means thereof, giving descriptive acknowledgments thereof to the person from whom they may be received; and finally to transact with the Commissioner of the District all the necessary business relative to this important object.

2. That in case of the death, inability, or refusal to act, of the said Eleazar McComb, as State Commissioner as aforesaid, it is the opinion of the General Assembly that his Excellency the President, in their recess, appoint some other suitable person to act as State Commissioner in the business aforesaid.

3. That Mr. McComb, as Auditor of this State, do forthwith call to account all persons who have been in any ways intrusted with any public monies belonging to the State, or wherewith the State may be chargeable, or who may have been appointed or employed on behalf of the State, or any part thereof, in collecting or receiving of supplies intended for the use of the United States, that the Auditor, in his character of State Commissioner as afore-

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said, may be the better enabled to make the exhibits on the part of this State against the United States, within the time limited by the ordinance of Congress aforesaid; and in case of refusal or neglect so to account, that the Auditor, without delay, thereafter cause process to be issued against every such delinquent, as in and by the act for the auditing and arranging the accounts of this State it is prescribed.

4. That Mr. McComb ought to have an allowance adequate to his services as State Commissioner, and that this General Assembly, at their future meeting, will make provision therefor; or in case of other appointment as aforesaid in like manner for such appointee.

Ordered, That the said resolutions be transcribed and sent to the House of Assembly for their consideration and concurrence.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

The Speaker laid on the table a bill entitled "An act to alter and supply certain parts of an act entitled 'An act for raising £10,500 for the service of the year 1787,' and to repeal an act for appropriating the sum of £10,500, and for other appropriation thereof, and other purposes,'" with a petition and three memorials from sundry of the inhabitants of New Castle County, praying a repeal of the appropriation act; which said papers were delivered to him by a member of Assembly after the adjournment of Council; which said bill was read.

Ordered to lie on the table.

WHEREAS it appears by the report of a committee of the House of Assembly, of the 27th of January last, on page 28 of the printed minutes, that large sums have been advanced by this State on behalf of the United States, amounting to more than

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ten thousand five hundred pounds, which this State ought to have had a credit for with the United States, on former specie requisitions of Congress, and to which sum further additions, in the opinion of the Auditor, may now be made; and as great delay hath happened with respect to the obtaining those credits; it is therefore

Resolved, That it be recommended to his Excellency the President that he take effectual order to have the business aforesaid performed as soon as reasonably may be, and that he appoint some suitable person to collect all vouchers relative to, or necessary for, the same; and to personally solicit such a credit at the Board of Treasury of the United States, or other public office connected therewith, at the expense of the State; and for this end the President may draw his order on the State Treasurer for such sum, in advance, for this service, as he may judge reasonable.

Ordered, That the said resolution be transcribed, and sent to the House of Assembly for their concurrence.

Agreeable to the order of the day, the Council and the House of Assembly met, in the Council Chamber, and proceeded to the nomination of persons as Delegates to represent this State in Congress.

But it was previously

Resolved, That three persons be elected as Delegates from this State to Congress, &c.

The following persons were then put in nomination, to wit: Major John Patten, Isaac Grantham, Esq., Dyre Kearny, Esq., Nathaniel Mitchell, Esq., and Thomas Rodney, Esq.

Then the two Houses separated for the space of fifteen minutes.

The Council and the House of Assembly now met, in the Council Chamber, and proceeded, by joint ballot, to the election of Delegates to represent this State in the Congress of the United States of America until the first Monday in November next, and the ballots being taken and examined, Dyre Kearny, Nathaniel Mitchell, and Thomas Rodney, Esquires, were declared to be duly elected.

Then the two Houses separated.

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By special order, the bill to alter and supply certain parts of the act for raising ten thousand five hundred pounds, &c., was read a second time.

The said bill was read the third time by paragraphs and passed the House.

On the question for passing the same being put, the yeas and nays were required by Mr. Tilton, and they are as follows:

Yeas—Mr. Cook, Mr. Read, Mr. Laws, Mr. Polk.

Nays—Mr. Tilton, Mr. Baning.

So it was determined in the affirmative.

Mr. Raymond, a member of Assembly, was admitted and he returned the resolutions of Council continuing the powers of Eleazer McComb, Esq., as State Commissioner, and the resolution for the President to appoint some suitable person to collect vouchers, &c., both concurred in by the House of Assembly.

Ordered, That the Clerk of this House make out two copies of the first resolutions, one to be delivered to the President, and the other to the Auditor; also one copy of the last mentioned resolution for the President.

Then the Council allowed the following accounts for the attendance of the members and for public service rendered to the State:

To the Hon. Thomas McDonough, Esq., Speaker, for 21 days' attendance and for mileage, . . .	£ 19	18	0
To George Read, Esq., for 19 do. do., ...	12	18	0
To James Tilton, Esq., for 17 do., ...	10	4	0
To John Baning, Esq., for 18 do., ...	10	16	0
To John Cook, Esq., for 20 do. do., ...	12	8	0
To Daniel Polk, Esq., for 21 do. do., ...	13	18	0
To Alexander Laws, Esq., for 21 do. do., ...	13	14	8
To James Sykes, Esq., Clerk, for 23 do., ...	14	7	6
To James Sykes, Esq., for transcribing the minutes, &c., &c., ...	37	14	4½
To Mrs. Elizabeth Battell, for the use of a room, &c., ...	13	10	0
To Benjamin Crooks, Sergeant-at- Arms, ...	8	17	0
	£168	5	6½

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Resolved, That orders be drawn on the State Treasurer, and signed by the Speaker, for the payment of the several sums aforesaid.

Whereupon orders were drawn and signed accordingly.

Ordered, That the Clerk of this House transcribe the Minutes of the Council of the session of August last, and of the present session, November, and that Messrs. Tilton and Cook revise the said transcribed minutes and superintend the printing of two hundred copies of the same.

Mr. McCall, a member of Assembly, attending, was admitted, and he delivered to the Chair a resolution of that House for affixing the Great Seal to the several laws passed this session of the General Assembly; which was read, and follows in these words:

IN THE HOUSE OF ASSEMBLY, Nov. 10th 1787.

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following laws:

1. "An act for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a less number;"

2. "An act granting to Oliver Evans, for a term of years, the sole and exclusive right of making and selling within this State the machines herein described;"

3. "An act for altering the place of election for the County of Sussex for the present year, 1787;"

4. "An act to alter and supply certain parts of an act entitled 'An act for raising £10,500 for the service of the year 1787,' and to repeal an act entitled 'An act for appropriating the sum of £10,500,' and for other appropriation thereof, and other purposes.'"

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

Resolved, That this House concur in the said resolution.

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The same member also delivered to the Chair the bills above mentioned engrossed, in order to be signed by the Speaker.

Ordered, That the Speaker sign the aforesaid engrossed bills; which was done accordingly.

Ordered, That the said bills, with the resolution for affixing the Great Seal, as concurred in by this House, be returned to the House of Assembly by Mr. Laws;

Who reported, &c.

On motion, ordered that the time and place specified in the act, passed this present session, for altering the place of election for the County of Sussex for the present year, be inserted in the writ ordered on Friday last for a new election in that county.

The Clerk of the House of Assembly delivered to the Council a written notice, signed by the Speaker of the House of Assembly, that the House of Assembly had this day adjourned to Monday, the seventh day of January next.

The Council then adjourned to the same day.

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MINUTES OF COUNCIL.

1788.

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MEMBERS' NAMES.

FOR NEW CASTLE COUNTY:

GEORGE READ, NICHOLAS VANDYKE, THOMAS MCDONOUGH.

FOR KENT COUNTY:

JAMES TILTON, JOHN BANING, JOHN COOK.

FOR SUSSEX COUNTY:

DANIEL POLK, ALEXANDER LAWS, ISAAC HORSEY.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1788.

At a meeting of the Council, by adjournment, at Dover, January 7th, 1788, a sufficient number of the members not having met to form a quorum, they adjourned from day to day until Friday, the 18th of the same month, when there appeared as follows:

For New Castle County—Thomas McDonough, Esq., Speaker, George Read.

For Kent County—James Tilton, John Baning, Jno. Cook.

For Sussex County—Daniel Polk, Alexander Laws.

It appears by the returns of the officers of the County of Sussex, appointed by law to be Judges of Elections, that on the 26th of November last, at the house of Rob. Griffith, at Deep Creek Furnace, usually called Vaughn's Furnace, in Nanticoke Hundred, that Isaac Horsey, of the said county, was chosen to represent the said county as a member of the Legislative Council of the Delaware State for three years next ensuing the said election.

James Sykes, Esquire, Clerk of this House, having resigned, the House proceeded to the choice of a Clerk, when John Edmunds Clayton was unanimously chosen; who then took the oath prescribed by the Constitution, and subscribed the declaration of faith therein required, and also took and subscribed the oath of office. [*See note on page 11.*]

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Mr. Speaker laid on the table a petition, signed by a number of the inhabitants of Sussex County, delivered him by a member of the House of Assembly, complaining of an undue election at the time aforesaid, together with a list of witnesses for the petitioners, and praying that inquiry should be made into the truth of the facts stated therein, and that they might be heard by Council.

On motion, ordered that the same be read; which was done accordingly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, except Mr. Tilton.

The Speaker laid on the table a letter from James Adams, of Wilmington, printer, of the 10th instant, praying the House that they would favor him with the printing of the business of their House, and containing an account for printing 200 copies of the votes and proceedings of their House from a session in October, 1783, to their session in May, 1787, both included, making fifty-five sheets, at 28s. a sheet, and for conveying the Kent and Sussex numbers of those copies to Dover.

The same were read and referred to the Auditor.

On motion, by special order, the petition from Sussex County, complaining of an undue election, was read a second time.

Whereupon it is ordered,

That it be notified to such of the petitioners as may be in the Town of Dover, that the Council will be ready, to-morrow, at eleven o'clock in the forenoon, to go into an inquiry of the facts set forth in their petition complaining of an undue election in Sussex County, on the 26th of November last, for a member of this House, and that they may be heard by one gentleman of the law, as their counsel, on this business.

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Ordered also,

That Peter Fretwell Wright, High Sheriff of Sussex County, and now in attendance in the Town of Dover under the order of the House of Assembly, be notified to attend the Council at the time aforesaid, for examination respecting the said election, and that the foregoing orders be transcribed by the Clerk, to wit: two copies, one to be served by the Sergeant-at-Arms on such of the petitioners aforesaid as may be in Dover, returning the names of the persons served therewith to this House at the time aforesaid, and the other on the High Sheriff aforesaid.

Adjourned to ten o'clock to-morrow morning.

SATURDAY, A. M., January 19th, 1788.

Council met. Present the same members.

On motion, ordered that the doors of this House be set open during the inquiry into the validity of the Sussex election.

The Sergeant-at-Arms reported that he had notified, agreeable to the orders of yesterday, Peter F. Wright, the High Sheriff of Sussex County, and such of the petitioners as were in the Town of Dover, viz: William Clayton Mitchell, Simon Kollock, Isaac Atkinson, Nathaniel Waples, William Peery, and David Hall.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment. Present the same members, and Mr. Tilton.

On motion, ordered that the Sheriff of Sussex County be

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again notified to attend this House to be examined concerning the Sussex election, who appeared in the House.

On motion, ordered that the petition from Sussex County, complaining of an undue election, be read by the Clerk to him; which was done accordingly.

Council then went into the examination of Peter F. Wright, Sheriff of Sussex County, concerning the late election, and after some time, on motion, he obtained leave to withdraw.

Adjourned to Monday morning, 10 o'clock.

MONDAY, January 21st, 1788, A. M.

Council met according to adjournment.

The Doorkeeper informed the Speaker that Joseph Miller, Esq., as Counsel for the petitioners complaining of the undue election, then was in waiting and desired to be admitted before the Council.

Whereupon he was admitted, and made his apology for not attending sooner upon the business aforesaid. And he informed the House that such of the petitioners as had been attendant on the like complaint made to the House of Assembly, and also the witnesses produced to and examined by the House of Assembly, were gone to their respective places of residence; that the examinations had before the House of Assembly, as well of the witnesses in the petitioners list as others, were before the House of Assembly on oath and reduced to writing there, and probably did contain sufficient information for the Council to proceed into the inquiry of the facts alleged by the petitioners in their complaint, and that, as their counsel, he prayed that the depositions so taken might be admitted in evidence before this House.

And then the House took into consideration the proposition made by Mr. Miller on the part of the petitioners, Mr. Horsey, the returned member for Sussex County being present, and

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thereupon recommended it to Mr. Miller to reduce his proposition in writing, and present the same at the meeting of the House in the afternoon, when it was also recommended to the returned member to declare his sense thereof in writing.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. Miller, counsel on the part of the petitioners, presented to the Chair the following petition, viz:

To the honorable the Legislative Council of the Delaware State:

The subscriber respectfully represents, that as the witnesses summoned by the honorable Assembly to give evidence on the controverted election for the County of Sussex, agreeably to the prayer of the petition now before the honorable Legislative Council, have returned home, and as the testimony of those witnesses has been taken in writing by the other honorable branch of the Legislature, the subscriber, in order to avoid expense and delay, prays, on behalf of the petitioners, whom he represents as their counsel, that the depositions of the said witnesses, as taken by the honorable Assembly, may be received by your honorable House as legal evidence concerning the election now in dispute.

JOSEPH MILLER,

Dover, 21st Jan., 1788. *Counsel for the petitioners.*

Mr. Isaac Horsey, the returned member for Sussex County, also presented to the Chair the following declaration, viz:

I, Isaac Horsey, a returned member for the County of Sussex to the Legislative Council of the Delaware State, chosen and elected on the 26th of Nov. last, which election is now controverted, do, for the more easy and speedy determination of the legality of the said election, hereby agree that the depositions lately taken before the honorable House of Assembly of this

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State, touching the legality of the said election, may be read and taken as evidence in this House so far forth as may tend to prove either the legality or illegality of said election.

Witness my hand this 21st day of January, Anno Domini, 1788. ISAAC HORSEY.

On motion,

Resolved, That this House, agreeable to the above prayer of Mr. Miller, counsel on the part of the petitioners, and the declaration of Isaac Horsey, returned member, will receive the depositions of the said witnesses, as taken by the House of Assembly, in evidence as to the election now in dispute.

It was then represented by Mr. Miller, counsel on the part of the petitioners, that the House of Assembly, not having yet acted upon the testimony contained in the depositions taken before them on the contested election for Sussex County, he could not, as yet, with propriety, apply to that House for a transmission of those depositions to Council, but that he was informed the business of considering and deciding thereon would be speedily taken up by the House of Assembly and that he should immediately after make the application for such transmission.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., January 22d, 1788.

Council met according to adjournment. Present the same members, except Mr. Cook.

Mr. Speaker laid upon the table a message from the President to the General Assembly, delivered to him by a member of the House of Assembly, accompanied with letters and papers therein referred to; which said message was read, and is as follows:

Gentlemen of the General Assembly:

Since my last message to you the following dispatches have come to my hand:

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A letter from the Secretary of Congress, of the 18th of October last, with its inclosures; another from the Board of Treasury, circular, of the 8th of November, with its inclosures; and two others from the Governor of Virginia, one of November 14, the other of December 27, with their inclosures. All of which I have requested your Clerk to lay before your honors, for your consideration. THOMAS COLLINS.

January 21, 1788.

All which letters and papers were read, except the letter from the Board of Treasury "Circular," of the 8th of November last, with its inclosures, which do not appear among the said letters and papers referred to in the said message.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met according to adjournment.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., January 23, 1788.

Council met. Present the same members.

Mr. Evans, a member of Assembly, attending, was admitted and delivered to the Chair the petitions from Sussex County, signed by four hundred and five petitioners, complaining of an undue election in said county, and the depositions of the witnesses examined and taken, in writing, by the House of Assembly, together with the list of voters and polls, or tallies, concerning the same, for the consideration of this House.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met according to adjournment.

Mr. Vandyke appeared in the House and took his seat.

On motion, ordered,

That a verbal message be sent to the House of Assembly, representing that the Council are informed that the declaration of Rhoads Shankland, Esq., a returned member of the House of Assembly at the late contested election for Sussex County, was received in that House, of a fact stated in the petition against the said election, to wit: "That the said Rhoads Shankland was seen, on the Sunday preceding the said election, at the head of a party, armed with muskets, going toward the place of election;" and the same declaration not appearing among the written testimony laid before the Council respecting the said election, and requesting that the honorable House of Assembly will have that declaration reduced to writing and transmit the same to this House as soon as conveniently may be.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, A. M., January 24, 1788.

Council met according to adjournment. Absent, Mr. Tilton.

Mr. Vining, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following message, viz:

A MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE LEGISLATIVE COUNCIL.

Gentlemen:

The House of Assembly beg leave to inform the Legislative Council that the declaration of Rhoads Shankland, Esquire,

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amounted in substance to the following information, viz: "That the said Rhoads Shankland, as the distance from his house to the place of holding the late election was considerable, went part of the way on Sunday evening, on which evening he was overtaken by three men armed with muskets, with whom he rode some distance, after which they separated."

The House now went into the consideration of the petition from Sussex County respecting the contested election, and after some time spent therein, on motion, the same was postponed until three o'clock this afternoon.

Adjourned to 3 o'clock in the afternoon.

EODEM DIE, P. M.

Council met according to adjournment, and, agreeable to order, resumed the consideration of the petitions from Sussex County, together with the testimony transmitted from the House of Assembly respecting the same.

On motion, "Shall Council postpone the business of the Sussex election until to-morrow morning?" Passed in the negative.

On motion, that the petition from Sussex County, complaining of an undue election there, on the 26th of November last, of a member to represent that county in this House, be dismissed, and that the return made of the election of Isaac Horsey as a member of this House, to represent that county, be confirmed; and thereupon

Resolved unanimously, That the said petition be dismissed, and that the said return be confirmed.

Adjourned to 10 o'clock to-morrow morning.

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FRIDAY, A. M., January 25th, 1788.

Council met according to adjournment. Absent, Mr. Baning.

Isaac Horsey, the returned member for Sussex County, now took the oath of allegiance and subscribed the declaration of faith prescribed by the twenty-second article of the Constitution of this State. [*See note on page 10.*]

On motion of Mr. Read, that a committee be appointed to bring in a bill for repealing all such acts or parts of acts as are repugnant to the treaty of peace between the United States and his Britannic Majesty,

The committee appointed to bring in the said bill were Mr. Read, Mr. Vandyke, and Mr. Horsey.

Ordered, That Mr. Polk return to the House of Assembly the President's Message of the 21st of January, together with the letter from the Secretary of Congress, of the 18th of October, and its inclosures, and one set of the letters and resolutions from the President of Virginia, of the 14th of November, and the letter of the 27th of December, with one copy of an act of the General Assembly of that State therein inclosed.

The committee appointed to bring in a bill for repealing all such acts or parts of acts as are repugnant to the treaty of peace between the United States and his Britannic Majesty, now presented a draught thereof on the table; which, by order, was read.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

The Speaker laid on the table a bill entitled "An act for incorporating the Physicians of this State," which had been delivered to him by a member of the House of Assembly. The said bill was read.

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Ordered to lie on the table.

The bill for repealing all such acts or parts of acts as are repugnant to the treaty of peace between the United States and his Britannic Majesty, was, by special order, read a second time.

The said bill was read a third time and passed the House.

Ordered, That Mr. Horsey wait on the House of Assembly with the aforesaid bill, for their consideration and concurrence;

Who, being returned, reported the delivery thereof agreeable to order.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., January 26th, 1788.

Council met agreeable to adjournment. Mr. Baning now appeared in the House.

Mr. Massey, a member of the House of Assembly, attending, was admitted and presented to the Chair a memorial of Joshua Clayton, Esquire, together with a report of a committee of that House respecting the same; which, upon motion, were read the first time.

The bill empowering the Board established by Congress to liquidate and settle the accounts between the United States and individual States, having been read in Council the 2d of February, 1787, was now read a second time.

On motion, that the same be referred to a committee of three to report thereon, the members appointed were Mr. Vandyke, Mr. Read, and Mr. Baning.

Council now went into the consideration of the bill to repeal the act entitled "An act for the further security of the Government," which was read the first time in Council on the 6th of November last, and the same was postponed until Monday next.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met. Present the same members.

Mr. Polk, a member of the House of Assembly, attending, was admitted and presented to the Chair a bill for continuing an act entitled "An act for the settlement of the accounts of the Wilmington Lottery."

The same member also returned the bill for repealing all acts or parts of acts repugnant to the treaty of peace between the United States and his Britannic Majesty, concurred in by that House.

Whereupon ordered that the said bill be engrossed.

The bill for continuing an act entitled "An act for the settlement of the Wilmington Lottery," was read the first time.

Mr. Read presented to the Chair a petition of William Brown, praying an appointment of Judges of Appeals; which was read.

Ordered to lie on the table.

The bill for continuing an act entitled "An act for the settlement of the accounts of the Wilmington Lottery," was, by special order, read a second time and passed the House.

Ordered, That Mr. Polk wait on the House of Assembly and return the said bill, concurred in by Council.

Adjourned to 10 o'clock on Monday morning.

MONDAY, A. M., January 28, 1788.

Council met according to adjournment.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

The Council met according to adjournment.

The House now resumed the consideration of the bill to repeal the act entitled "An act for the further security of the Government," and the same was deferred for further consideration.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., January 29, 1788.

Council met according to adjournment.

Mr. Speaker laid upon the table a petition of Sarah Tully, for appointing Commissioners for the Town of Dover, a report of a committee of the House of Assembly thereupon, and a bill appointing Commissioners for the town aforesaid, &c., which were delivered him by a member of that House.

The said papers were severally read. Ordered to lie on the table.

Mr. Hazzard, a member of the House of Assembly, attending, was admitted and presented to the Chair three petitions from sundry owners of marshes on St. Georges Creek, together with a report of two of a committee appointed to view said marsh; also a bill entitled "A supplementary act to an act entitled 'An act for stopping St. Georges Creek and for embanking and draining a quantity of marsh and cripple on both sides the said creek, being deemed about three thousand acres, situate in Red Lion and St. Georges Hundreds and County of New Castle, and for keeping the dykes and drains belonging to the same in good order and repair,'" and a letter from William Hall to Henry W. Pearce, accompanying the same.

On motion, by order, the said papers were severally read.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met according to adjournment.

The committee to whom was referred the bill to authorize the Board established by Congress for liquidating public accounts and call before them witnesses, &c., now report, that they apprehend such provision as was intended by the said bill to be made is rendered unnecessary by an alteration in the establishment of the board aforesaid and a repeal of the act of the 13th of October, 1786, by their subsequent act of May last.

Which report being read and approved, the bill aforesaid is disagreed to, and ordered to be returned to the House of Assembly, with a copy of the foregoing entry of the report and proceeding thereon.

Ordered, That Mr. Vandyke wait on the House of Assembly and return the said bill, with the report of the committee thereon, and a letter, of the 16th of October, 1786, from the Secretary of Congress, No. 5, and its inclosure, No. 5.

Council now resumed the consideration of the bill for repealing an act entitled "An act for the further security of the Government;" whereupon, on motion, ordered that the said bill be referred to a committee of three, viz: Mr. Vandyke, Mr. Read, and Mr. Polk, to report thereon.

The memorial of Joshua Clayton, Esquire, and the report of a committee of the House of Assembly thereupon, was, by order, read a second time; and the question being put, "Do this House agree to the said report?" the House was divided, and Mr. Speaker gave his voice in the affirmative.

Ordered, That Mr. Laws wait on the House of Assembly and return the said memorial, with the report of the committee thereupon.

Adjourned to 10 o'clock to-morrow morning.

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WEDNESDAY, A. M., January 30, 1788.

The Council met according to adjournment.

Mr. Laws reported the delivery of the last mentioned papers to the House of Assembly, agreeable to order.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

On motion, by order, the bill entitled "An additional supplementary act to an act entitled 'An act for stopping St. Georges Creek and for embanking and draining a quantity of marsh and cripple on both sides of the said creek, &c.,'" was read a second time.

On motion, that Mr. Henry W. Pearce, one of the principal owners of the marsh aforesaid, be admitted before this House to give information respecting the circumstances of the marsh and cripple on the said St. Georges Creek, the same was granted.

Council then proceeded to the consideration of the said bill, and after some time spent therein, the same was deferred until to-morrow morning.

Adjourned to 10 o'clock to-morrow morning.

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THURSDAY, A. M., January 31st, 1788.

Council met according to adjournment. Mr. Tilton now appeared in the House.

Mr. Massey, a member of the House of Assembly, attending, was admitted and delivered to the Chair a paper, No. 1, purporting to be proposals, by George Read, to the honorable committee of that House, as to a revision of the Acts of Assembly of this State for the purpose of reprinting the same, and a resolution of that House accepting and agreeing to the said proposals.

Agreeable to the order of yesterday, Council resumed the consideration of the bill entitled "An additional supplementary act to an act entitled 'An act for stopping St. Georges Creek, &c;'" which, by order, was read a third time by paragraphs, and an amendment proposed and agreed to.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Ordered, That the amendment proposed to the last mentioned bill be transcribed and sent, with the said bill, to the House of Assembly, by Mr. Laws, for their consideration.

Mr. Laws reported the delivery thereof according to order.

On motion, by order,

The paper, No. 1, purporting to be proposals by George Read, Esq., for revising the Laws of this State, and the resolution of the House of Assembly thereon, were read the first time.

Mr. Cannon, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following resolution:

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IN THE HOUSE OF ASSEMBLY, P. M., Jan. 31, 1788.

On motion,

Resolved, That Mr. Cannon wait on the Council, and propose to that honorable body that both Houses of the General Assembly meet, in the Council Chamber, to-morrow morning at twelve o'clock, to put in nomination persons to be balloted for to fill the vacancies of Justices for the Courts of Common Pleas and Orphans' Courts for the Counties of New Castle and Kent.

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

The same member delivered to the Chair a resolution of that House for adjourning on Saturday next to some future day, and returned also the bill entitled "A supplementary act to an act entitled 'An act for stopping St. Georges Creek, &c.,'" and the amendment proposed by Council acceded to by that House.

The said resolution was read.

On motion,

Resolved, That Council concur in the above resolution of the House of Assembly for putting in nomination persons to be balloted for to supply the vacancies of Justices in the Courts of Common Pleas and Orphans' Courts for the Counties of New Castle and Kent.

Ordered, That the same be returned to the House of Assembly, by Mr. Polk, as concurred in by this House.

Adjourned to ten o'clock to-morrow morning.

FRIDAY, A. M., February 1, 1788.

The Council met according to adjournment.

Mr. Shankland, a member of the House of Assembly, attending, was admitted and presented to the Chair the Auditor's Report of the 6th of November, 1787, and a report of a com-

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mittee of that House respecting the revising and reprinting the Laws of this State, which had been omitted amongst the papers sent to Council yesterday afternoon respecting the same; which said papers were, by order, severally read.

On motion,

Resolved, That the Auditor's Report aforesaid be concurred in.

Mr. Robinson, a member of the House of Assembly, being admitted, presented to the Chair a petition of William Brown for the institution of a Court of Appeals, a report of a committee of that House thereupon, and a bill for establishing a Court of Appeals.

The Council and the House of Assembly met, in the Council Chamber, and proceeded to the nomination of persons out of whom Justices shall be elected, by ballot, to fill the vacancies in the Courts of Common Pleas and Orphans' Courts for the Counties of New Castle and Kent, as follows:

For New Castle County—Thomas McDonough, Esq., Thomas Robinson, Esq.

For Kent County—John Clayton, Esq.

Resolved, That the Speakers of the two Houses be desired to notify his Excellency, the President, by letter, of the aforesaid nominations, and to request his attendance, at one o'clock in the afternoon of to-morrow, to ballot for Justices to fill the vacancies aforesaid.

Resolved, That both Houses now separate, and that they meet again to-morrow, at one o'clock in the afternoon, to ballot for Justices to fill the vacancies aforesaid.

Then the two Houses separated, and Council adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met according to adjournment.

Mr. Massey, a member of the House of Assembly, attending, was admitted and presented to the Chair a bill for suspending the operation of an act respecting the estate of John Vining, Esq., deceased.

Ordered, That Mr. Tilton wait on the House of Assembly and return the Auditor's Report of the 6th of November, 1787, concurred in by this House.

On motion, by order,

The memorial of William Brown, and the report of the committee of the House of Assembly thereon, together with the bill for establishing a Court of Appeals for this State, were severally read.

Ordered to lie on the table.

The bill for suspending the operation of an act respecting the estate of John Vining, Esq., deceased, was, by order, read.

Ordered to lie on the table.

By special order, the bill for establishing a Court of Appeals, was read a second time.

The said bill was read a third time by paragraphs, and after several amendments being proposed and agreed to, the same was ordered to be transcribed and sent, with the said bill and the several papers which accompanied the same, to the House of Assembly, for their consideration.

Mr. Latimer, a member of the House of Assembly, was admitted and delivered to the Chair the Auditor's Report, dated Jan. 29th, 1788, agreed to by that House, sent for the consideration and concurrence of Council.

On motion,

Resolved, That Council concur in the resolution of the House

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of Assembly respecting the proposals contained in the paper, No. 1, of George Read, Esq., for revising and reprinting the Laws of this State.

Ordered, That the same be returned to the House of Assembly, by Mr. Horsey, as acted upon by this House.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., Feb. 2d, 1788.

Council met according to adjournment. Mr. Cook appeared in the House.

Mr. Horsey reported the delivery of the last mentioned papers, agreeable to order.

On motion, by order,

The bill for suspending the operation of an act respecting the estate of John Vining, Esq., deceased, was read a second time.

The said bill was read a third time by paragraphs, and several amendments being proposed thereto, was agreed to by Council.

On motion, by order, the Auditor's Report of the 29th of January, 1788, was read and concurred in.

Ordered, That the amendments proposed to the foregoing bill be transcribed and returned, with the said bill and the Auditor's Report, to the House of Assembly by Mr. Tilton.

The Council and the House of Assembly having met, in the Council Chamber, for the purpose of electing Justices to fill the vacancies in the Courts of Common Pleas and Orphans' Courts for the Counties of New Castle and Kent, it was resolved and declared by both Houses that, although the vacancy in the Court of Common Pleas and Orphans' Court for the County of Kent was occasioned by the appointment of Thomas Collins, Esq., late Chief Justice thereof, to the Presidency of this State, yet it was not the intention of the General Assembly that the

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person nominated was to be appointed to fill the place of Chief Justice, but the vacancy *only of a Justice of the said Courts*, and therefore that the nomination for the County of Kent remain open; whereupon a new one was made, as follows:

Richard Smith, Esq., was proposed for Chief Justice; Thomas White, Esq., for second Justice; James Bellach, Esq., for third Justice; John Clayton, Esq., for fourth Justice; and Isaac Carty, Esq., for fourth Justice of the said Courts.

Resolved, That both Houses meet, in the Council Chamber, at three o'clock in the afternoon, to elect Justices to fill the vacancies aforesaid.

The two Houses being informed that, in consequence of the notification of yesterday, his Excellency, the President, is now in town,

Ordered, That Mr. Grantham, Mr. Vining, and Mr. Mitchell be a committee to wait on his Excellency, the President, and inform him that the General Assembly will be convened, in the Council Chamber, at three o'clock in the afternoon, to elect Justices to fill the vacancies in the Courts aforesaid, and request the attendance of his Excellency.

Then the two Houses separated, and Council adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Agreeable to the order of the day, the Council and the House of Assembly met, in the Council Chamber, and his Excellency, the President, being conducted in by the committee, the President and General Assembly proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancies in the Court of Common Pleas and and Orphans' Court for the County of New Castle, and the ballot being taken and examined, Thomas McDonough, Esq., was declared to be duly elected third Justice

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of the said Courts, and Thomas Robinson, Esq., was declared to be duly elected fourth Justice of the said Courts.

The President and General Assembly proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancy in the Court of Common Pleas and Orphans' Court for the County of Kent, and the ballots being taken and examined, Richard Smith, Esq., second Justice, was declared to be duly elected Chief Justice of the said Courts; Thomas White, Esq., third Justice, was declared to be duly elected second Justice of the said Courts; James Bellach, Esq., fourth Justice, was declared to be duly elected third Justice of the said Courts, and John Clayton, Esq., was declared to be duly elected fourth Justice of the said Courts.

The President withdrew, both Houses separated, and the Council met in the Council Chamber.

The House went into the nomination, and afterwards balloted for three persons as Judges of the Court of Appeals, and the votes being cast up, it was declared that John Dickinson, Nicholas Vandyke, and Joshua Clayton, Esquires, were duly elected.

Ordered, That the same be transcribed and sent to the House of Assembly by Mr. Cook.

Mr. Hazzard, a member of the House of Assembly, was admitted and presented to the Chair a letter from the Honorable Dyre Kearney to the Speaker of the House of Assembly, with its inclosures, and a report of a committee of that House thereupon.

Mr. Speaker laid on the table a bill to enforce the collection of outstanding taxes, delivered to him by a member of the House of Assembly, sent for the concurrence of Council; which was read.

By special order, the said bill was read the second time and disagreed to.

On motion, for leave to bring in a bill entitled "A supplementary act to the act entitled 'An act to alter and supply certain parts of an act entitled 'An act for raising ten thousand five hundred pounds for the year one thousand seven hundred and eighty-seven,' and to repeal an act entitled 'An act for appropriating the sum of ten thousand five hundred pounds,' and for other appropriation thereof, and other purposes,'" the same was

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granted; whereupon Mr. Read presented to the Chair a bill for that purpose, which was read.

By special order, the said bill was read a second time.

Mr. Massey, a member of the House of Assembly, was admitted and delivered to the Chair the following engrossed bills, viz: "An act to establish a Court of Appeals in this State;" "An act for continuing an act entitled 'An act for the settlement of the Wilmington Lottery,'" and "A further supplement to an act entitled 'An act for the recovery of one thousand five hundred and fifty-three pounds eighteen shillings and six pence, due from the estate of John Vining, Esq., deceased, formerly one of the Trustees of the Loan Office for the County of Kent,'" signed by the Speaker of that House.

The aforesaid acts were then severally compared. Ordered that the same be signed by the Speaker.

The bill entitled "A supplementary act to the act entitled 'An act to alter and supply certain parts of an act entitled 'An act for raising £10,500 for the service of the year 1787,' and to repeal an act,' &c.," was read a third time by paragraphs and passed the House.

Ordered, That Mr. Polk wait on the House of Assembly and deliver the aforesaid bill for their consideration and concurrence, and also return the last mentioned engrossed bill together with the engrossed bill entitled "An additional supplementary act to the act entitled 'An act for stopping St. George's Creek, and for embanking and draining a quantity of marsh and cripple on said creek," and also the engrossed bill entitled "An act for repealing all acts or parts of acts repugnaut to the treaty of peace between the United States and his Britannic Majesty," signed by the Speaker of this House, which last mentioned act is sent to be signed by the Speaker of the House of Assembly.

The same member also returned the bill to enforce the collection of the outstanding taxes, as disagreed to by this House.

On motion, ordered,

That the Clerk of the Council give public notice, by advertisement, to be fixed on the door of the Court House in the Town of Dover, that a bill for appointing Commissioners for the said Town

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of Dover, and vesting in them divers powers of regulation, is now before the Council, the consideration whereof will be resumed at their next meeting, at which time any person having objections to the said bill or parts thereof may appear and make the same, and that a copy of the said bill may be obtained by application to the Clerk of the Council.

On motion, by order,

The letter from the honorable Dyre Kearney to the Speaker of the House of Assembly, inclosing the statement of his account with the Delaware State, as also inclosing an account of the honorable Nathaniel Mitchell against the Delaware State, and the resolution of the House of Assembly thereon, were severally read.

Resolved, That the said resolution of the House of Assembly be concurred in.

Ordered, That the said papers be returned to the House of Assembly by Mr. Horsey, as acted upon by this House.

The same member also returned the three petitions of the owners of the St. George's meadows, and a report of a committee of that House thereon.

Resolved, That the Council proceed to put in nomination persons out of whom shall be elected a Privy Councillor in the room of Charles Pope, whose time is expired, agreeable to the Constitution of this State; and thereupon Allen McLane, Esquire, only was nominated.

The House proceeded to the ballot, which being examined, the said Allen McLane, Esq., was declared to be duly elected.

Resolved, That a certificate of the appointment of John Dickinson, Nicholas Vandyke, and Joshua Clayton, Esquires, by the Council, as Judges of the Court of Appeals, be made out, signed by the Speaker, and delivered to the President, in order that they may be commissioned by him, agreeable to the 17th Article of the Constitution or System of Government of this State.

Mr. Polk, a member of the House of Assembly, was admitted and delivered to the Chair the engrossed bill entitled "A supplementary act to the act entitled 'An act to alter and supply certain parts of an act entitled 'An act for raising £10,500 for the service

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of the year 1787,' and to repeal an act entitled 'An act for appropriating, &c.,' " signed by the Speaker of that House.

The said bill was compared and signed by the Speaker of Council.

The same member also delivered the following resolution:

IN THE HOUSE OF ASSEMBLY, Feb. 2, 1788.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of the State to the following acts:

1. An act for continuing an act entitled 'An act for the settlement of the accounts of the Wilmington Lottery;' "

2. "A further supplement to an act entitled 'An act for the recovery of one thousand five hundred and fifty-three pounds, eighteen shillings and six pence, due from the the estate of John Vining, Esq., deceased, formerly one of the Trustees of the Loan-Office for the County of Kent;' "

3. "An additional supplementary act to an act entitled 'An act for stopping St. George's Creek, and for embanking and draining a quantity of marsh and cripple on both sides of the said Creek, being deemed about three thousand acres, situate in Red Lion and St. George's Hundreds, and County of New Castle, and for keeping the dikes and drains belonging to the same in good order and repair;' "

4. "An act for repealing all acts, or parts of acts, repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof;"

5. "An act to establish a Court of Appeals in this State;"

6. "A supplementary act to the act entitled 'An act to alter and supply certain parts of an act entitled 'An act for raising ten thousand five hundred pounds for the service of the year one thousand seven hundred and eighty-seven,' and to repeal an act entitled 'An act for appropriating the sum of ten thousand five hundred pounds, and for other appropriation thereof, and other purposes.' "

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

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On motion,

Resolved, That the same be concurred in.

Ordered, That Mr. Horsey wait on the House of Assembly and return the said engrossed bills and resolution.

A written notice was delivered to the Chair, signed by the Speaker of the House of Assembly, of the adjournment of that House to the 27th of May next.

Then Council allowed the following accounts, viz:

To the Hon. Thomas McDonough, Esq., Speaker, for his attendance in Council, 25 days and mileage,	£	23	10 0
To George Read, Esq., for 19 do. and mileage,		12	18 0
To Nicholas Vandyke, Esq., 11 do. do.,		8	5 0
To John Baning, Esq., 16 do.,		9	12 0
To James Tilton, Esq., 8 do.,		4	16 0
To John Cook, Esq., 14 do. do.,		8	16 0
To Alexander Laws, Esq., 24 do. do.,		15	10 8
To Daniel Polk, Esq., 18 do. do.,		11	9 0
To Isaac Horsey, Esq., 18 do. do.,		12	9 3
To James Sykes, Esq., for transcribing, &c., last session,		3	17 6
To John E. Clayton, 17 days' attendance, engrossing a bill, and cash expended,		11	15 9
To Benjamin Crooks, 27 days' attendance as Doorkeeper, and notifying seven persons to attend Council,		12	15 0
To Mrs. Elizabeth Battell, for the use of a room, firewood and candles,		20	0 0
	£	155	14 2

On motion,

Resolved, That orders be drawn on the State Treasurer by the Speaker for the payment of the several sums aforesaid.

Whereupon orders were drawn and signed accordingly.

Then Council adjourned to the 27th day of May next.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MAY, 1788.

At a session commenced at Dover, on Tuesday, the twenty-seventh day of May, in the year of our Lord one thousand seven hundred and eighty-eight, divers of the members met, but the number not being a quorum, adjourned to Wednesday, when there appeared as follows:

For New Castle County—Thomas McDonough, Esq., Speaker.

For Kent County—James Tilton, John Baning, John Cook.

For Sussex County—Alexander Laws.

By order, the minutes of the last sitting of Council were read.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, A. M., May 29, 1788.

Divers of the members met, but the number not being sufficient to form a quorum, adjourned to 10 o'clock to-morrow morning.

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FRIDAY, A. M., May 30, 1788.

Council met. Present the same members as on Wednesday last.

On motion, by order,

The bill entitled "An act to incorporate the Physicians of the Delaware State, and for other purposes therein mentioned," read in Council on the 25th of January last, was now read a second time.

Ordered that the same be referred to a committee of three, to report thereon. The members appointed are Mr. Speaker, Mr. Tilton, and Mr. Cook.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

Mr. Tilton, from the committee to whom was referred the bill entitled "An act to incorporate the Physicians of the Delaware State, &c.," reported several amendments, which were read and agreed to.

Ordered, That the same be transcribed and sent, with the said bill, to the House of Assembly, by Mr. Cook, for their concurrence.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., May 31, 1788.

Council met. Present the same members, and Mr. Read.

Adjourned to 10 o'clock, Monday morning.

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MONDAY, P. M., June 2d, 1788.

Council met. Present all the members, except Mr. Vandyke.

Mr. Vining, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the heirs of Goldsmith Edward Folwell, deceased;" which was read.

Ordered to lie on the table.

Mr. Read applied for leave of absence, which was granted.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., June 3d, 1788.

Council met according to adjournment.

The bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the administrators of G. E. Folwell, deceased," was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. May, a member of the House of Assembly, was admitted and delivered to the Chair several notifications and certificates of Benjamin Chandler relative to a lost deed; which were read.

Council took into consideration the bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the

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heirs of Goldsmith E. Folwell, deceased," and after some time spent therein, the same was deferred for further consideration.

The committee to whom was referred the consideration of the bill entitled "An act to repeal the act for the further security of the Government," now report in favor of the same, but are of opinion that provision should be made for the naturalization of foreigners, as the act of Assembly now in being for that purpose, since the change of government, is inadequate thereto; therefore they have essayed a draught of a bill, by way of supplement to that act of Assembly, which they submit to the consideration of Council.

On motion, by order,

The bill entitled "A supplementary act to the act entitled 'An act for naturalization,'" was read.

By special order,

The bill entitled "An act to repeal an act entitled 'An act for the further security of the Government,'" was read a third time by paragraphs and passed the House.

By special order,

The bill entitled "A supplementary act to the act entitled 'An act for naturalization,'" was read a second time, and a third time by paragraphs and passed the House.

Ordered that the said bill be transcribed.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, A. M., June 4, 1788.

Council met according to adjournment.

Ordered, That Mr. Cook wait on the House of Assembly and deliver the last mentioned bill for their consideration and concurrence, and return the bill entitled "An act to repeal an act enti-

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tled 'An act for the further security of the Government,' " as agreed to by Council.

Mr. Tilton delivered to the Chair the Auditor's report of the outstanding taxes of this State; which was read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

Mr. Speaker laid on the table the petition of Benjamin Chandler respecting a lost deed, which had been omitted among the other papers relative thereto; also two petitions from divers inhabitants of New Castle County, praying leave to bring in a bill for the establishing of public marts or fairs at Cantwell's Bridge, in said county; which were read.

Ordered to lie on the table.

Mr. Hazzard, a member of the House of Assembly, being admitted, delivered to the Chair a bill entitled "An act to enable John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey unto Reynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land situate in Mispillion Hundred, Kent County;" also the petition on which the said bill is founded, and a communication from the Auditor, of the 4th June, 1788; which were read.

Ordered to lie on the table.

The same member also delivered to the Chair a resolution of the House of Assembly; which was read, and is as follows:

IN THE HOUSE OF ASSEMBLY, June 4, 1788.

On motion,

Resolved, That a Joint Committee of both Houses be appointed to consider the finances of this State of every kind and nature

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whatsoever; and for the purpose of enabling such committee to discharge the said duty, and for their information therein, that they be directed to require the Auditor to furnish them with a general account of all debts due by the State, of all debts due to the State, and of all engagements of the public to be speedily complied with, arranging them distinctly in the manner required by the 12th, 13th, and 14th sections of the act for amending and continuing the provisions made in the act for auditing and arranging the accounts of this State; that they have power to require of all officers of this State intrusted with the public monies, mortgages, pledges, or other securities whatsoever, or of any persons whom it may concern, distinct and clear accounts of the same; and to examine into the sufficiency of sureties in all cases where bonds have been given for the execution of such trusts; and generally that they take such steps and report such measures as they may deem necessary to be adopted for the better conducting, directing, and ordering the revenues or finances of this State. The members appointed on the part of this House are Mr. May, Mr. Clayton, Mr. Vining, Mr. Shankland, and Mr. Gordon.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

On motion,

Resolved, That Council concur in the above resolution.

The members appointed on the part of this House, are Mr. Read and Mr. Cook.

Ordered, That Mr. Polk wait on the House of Assembly with the same, as acted upon by this House.

Adjourned to 10 o'clock to-morrow morning.

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THURSDAY, June 5, 1788, A. M.

Council met according to adjournment.

Mr. McCall, a member of the House of Assembly, being admitted, presented to the Chair a memorial of Thomas Rodney, Esq., executor of the testament and last will of Cæsar Rodney, Esquire, deceased, who was acting Trustee of the Loan Office for the County of Kent, praying a reëxamination of the accounts of the said office, together with a resolution of that House thereupon; which were read, and deferred for further consideration.

The same member also delivered to the Chair a bill entitled "An act to appropriate the perquisites arising on tavern and marriage licenses;" which was read.

Ordered to lie on the table.

On motion of Mr. Read, for leave to bring in a bill for limiting the time for keeping open the Courts of General Quarter Sessions of the Peace and Goal Delivery in the respective Counties of this State, the same was granted; whereupon he presented to the Chair a bill for that purpose; which was read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. Hays, a member of the House of Assembly, was admitted and delivered, for the consideration and concurrence of Council, a bill, which was read, entitled "An act to provide for the appropriation of such certificates of depreciation as have not been claimed by the persons justly entitled to the same," and returned the bill entitled "A supplementary act to the act for naturali-

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zation," with an amendment proposed by that House, which was read.

Ordered to lie on the table.

The same member also presented to the Chair the President's message of the 28th of January, 1788, setting forth the many evils which have arisen from the frequent practice of some of the Justices holding their meetings for the administration of justice at public inns or taverns, and the great impropriety of Judges or Justices of the Peace keeping public inns or taverns, and calling the attention of the General Assembly on those subjects; also relinquishing the perquisites arising on tavern and marriage licenses, and requesting the appropriation thereof to some other purpose; which was read.

Ordered to lie on the table.

Mr. Latimer, a member of the House of Assembly, was admitted, and delivered to the Chair a bill entitled "An act to authorize and empower the executors of the testament and last will of Richard McWilliam, the younger, late of New Castle County, deceased, to convey, in trust for the heirs and representatives of Patrick Lyons, deceased, a certain tract or parcel of land situate in Appoquinimink Hundred, in the County of New Castle," together with a petition from the said executors, and sundry other papers, upon which the said bill is founded; which were read.

Ordered to lie on the table.

Mr. Revell, a member of the House of Assembly, was admitted and presented to the Chair a bill entitled "An act to regulate marriages," and a petition upon which the said bill is founded; which were read.

Ordered to lie on the table.

Council resumed the consideration of the bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the administrators of Goldsmith E. Folwell, deceased; which, being read the third time, by paragraphs, and amended, passed the House.

Ordered, That the said amendments be transcribed and sent, with the bill, to the House of Assembly for their consideration and concurrence.

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The bill entitled "An act to empower John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey to Reynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land situate in Mispillion Hundred, Kent County," was read a second time.

Ordered, That the said bill, and the petition on which it is founded, be referred to Mr. Cook, Mr. Baning, and Mr. Polk, to report thereon.

Council took into consideration the amendment proposed by the House of Assembly to the bill entitled "A supplementary act to the act entitled 'An act for naturalization,'" and acceded to the same.

Ordered that the said bill be engrossed.

Adjourned to ten o'clock to-morrow morning.

FRIDAY, June 6, 1788, A. M.

Council met according to adjournment.

The committee to whom was referred the bill entitled "An act to empower John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey to Reynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land, &c.," brought in their report; which was read.

Ordered to lie on the table.

The bill entitled "An act to provide for the appropriation of such certificates of depreciation as have not been claimed by the persons justly entitled to the same," was read a second time and deferred for further consideration.

The bill entitled "An act for limiting the time of holding the Courts of Quarter Sessions of the Peace and Goal Delivery in the respective Counties of this State," was read a second time and deferred for further consideration.

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The bill entitled "An act to regulate marriages," was read a second time and deferred for further consideration.

A member of the House of Assembly was admitted and delivered to the Chair a bill entitled "An act to continue in force an act entitled 'An act to increase the daily allowance to Grand and Petit Jurors and Witnesses;' " which was read.

Ordered to lie on the table.

The Council proceeded to the consideration of the bill entitled "An act to empower John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey to Reynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land situate in Mispillion Hundred, Kent County;" which, being read the third time, by paragraphs, and amended, passed the House.

Ordered, That the said amendments be transcribed and sent, with the bill, to the House of Assembly for their consideration and concurrence.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

Mr. Speaker laid upon the table a petition of John Darby, of Sussex County, read in the House of Assembly the 19th of January, 1785, setting forth the loss of a certificate, No. 18, for the sum of sixteen pounds nineteen shillings and six pence, signed by Peter White, Receiver General of Supplies for Sussex County, and a report of the Auditor thereupon; which said certificate is since found and now produced before Council; therefore

Resolved, That the said petition and report be dismissed.

By special order,

The bill entitled "An act for limiting the time for keeping open the Courts of General Quarter Sessions of the Peace and

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Goal Delivery of the respective Counties of this State," was read the third time by paragraphs and passed the House.

Mr. Shankland, a member of the House of Assembly, was admitted and presented to the Chair the following papers, which were read: A petition of Frederick Craig and Co., and a resolution of that House upon the same, for the payment of twenty pounds to the said Craig and Co., to assist in the establishment of a post to ride from Wilmington to Lewestown, and for sundry services.

Ordered to lie on the table.

By special order, the bill entitled "An act to continue in force an act entitled 'An act to increase the daily allowance to Grand and Petit Jurors and Witnesses,' " was read a second time.

The said bill was read a third time, by paragraphs, and passed the House.

By special order,

The bill entitled "An act to appropriate marriage and tavern licenses," was read the third time, by paragraphs, and passed the House.

Ordered, That Mr. Polk wait on the House of Assembly and deliver the three last mentioned bills, for the consideration and concurrence of that House.

On motion,

Resolved, That Council concur in the resolution of the House of Assembly upon the petition of Frederick Craig and Co., for the payment of twenty pounds to assist in the establishment of a post, &c.

Adjourned to 10 o'clock to-morrow morning.

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SATURDAY, A. M., June 7, 1788.

Council met.

Ordered, That the last mentioned petition and resolution be sent to the House of Assembly by Mr. Horsey.

Mr. Speaker laid before Council a resolution of the House of Assembly, which was read, as follows:

IN THE HOUSE OF ASSEMBLY,
FRIDAY, P. M., June 11, 1788.

On motion,

Resolved, That it is the intention of this House to conclude the present sessions to-morrow evening by adjourning the same to a distant day.

Ordered, That Mr. Latimer wait on the Council with a copy of the above resolution for their information.

JAS. BOOTH, *Cl'k of Assembly.*

On motion made and seconded, for leave to bring in a bill for the purpose of directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their return on writs of *fieri facias*, the same was granted; whereupon Mr. Read laid before Council a bill for that purpose; which was read.

Ordered to lie on the table.

Mr. Polk, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act for altering the place of holding the general election, for the present year, in the County of Sussex;" which was read.

Ordered to lie on the table.

The bill entitled "An act to empower the executors of the testament and last will of Richard McWilliam, the younger, late of New Castle County, deceased, to convey, in trust for the heirs and representatives of Patrick Lyons, deceased, a certain tract or parcel of land situate in Appoquinimink Hundred, in the County

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of New Castle," was read a second time and deferred for further consideration.

Council proceeded to consider the communication of the Auditor, of the 4th of June, 1788.

The bill entitled "An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for returns on writs of *fieri facias*," was read a second time and deferred until this afternoon for further consideration.

The bill entitled "An act for altering the place of holding the general election for the County of Sussex for the present year," was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The Council resumed the consideration of the bill entitled "An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for returns on writs of *fieri facias*," and the same being read the third time, by paragraphs, and amended, passed the House.

Ordered, That Mr. Cook wait on the House of Assembly with the same for their consideration and concurrence.

Mr. Hazzard, a member of the House of Assembly, was admitted and delivered to the Chair the following verbal message, viz:

The House of Assembly propose to the honorable the Council that both Houses of the General Assembly meet, at four o'clock in the afternoon, in the Council Chamber, to put in nomination persons out of whom shall be elected, by ballot, a Justice of the Court of Common Pleas and Orphans' Court for the County of

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Sussex, to supply the place of John Laws, Esquire, deceased, late third Justice of the said courts.

Saturday, A. M., June 7, 1788.

By special order,

The bill entitled "An act for altering the place of holding the general election, for the present year, in the County of Sussex," was read the third time by paragraphs and passed the House..

Ordered, That the same be returned to the House of Assembly by Mr. Laws.

Mr. Massey, a member of the House of Assembly, was admitted and returned the bill entitled "An act for limiting the time for keeping open the Courts of General Quarter Sessions of the Peace and Goal Delivery in the respective Counties of this State," rejected by that House.

Adjourned to Monday morning, 10 o'clock.

MONDAY, A. M., June 9, 1788.

Council met, and proceeded to the consideration of the resolution on the memorial of Thos. Rodney, Esquire, executor of the testament and last will of Cæsar Rodney, Esq., deceased; which was read, and several amendments being proposed and agreed to,

Ordered, That the same be transcribed and sent to the House of Assembly for their consideration and concurrence.

Mr. Speaker laid before Council the following resolution, which was read:

IN THE HOUSE OF ASSEMBLY,
SATURDAY, A. M., June 7, 1788.

On motion,

Resolved, That copies of the acts of Assembly of this State be delivered to George Read, Esquire, to enable him to commence

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and complete the revision of the laws of this State, agreeable to his contract with the General Assembly; and that James Booth be appointed to procure such copies, and the expenses that may be necessarily incurred therein shall be defrayed by this State.

That an order be drawn by the Speakers of both Houses upon the Trustee of the Loan Office for New Castle County for the immediate payment of one hundred and forty-five pounds, eleven shillings and six pence to the said George Read out of the interest monies of the said office, being the principal, interest, and costs of the two mortgages, as specified in the proposition made by the said George Read, communicated to the General Assembly on the third of February, 1787, and accepted and agreed to by the House of Assembly and Council on the 31st day of January and the 1st day of February last. And in case of death or any other event that shall prevent the said George Read from executing the said work of revision, that the said sum be accounted for by him, his heirs, executors, or administrators.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

Mr. Shankland, a member of the House of Assembly, was admitted and returned the bill entitled "An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for returns on writs of *fieri facias*," concurred in by that House.

Ordered that the said bill be engrossed.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Mr. Gordon, a member of the House of Assembly, was admitted and presented to the Chair a bill entitled "An act to incorporate the Members of the Library Company of Wilmington;" which was read.

Ordered to lie on the table.

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The Council proceeded to consider the bill entitled "An act to empower the executors of Richard McWilliam, the younger, deceased, to convey, in trust for the heirs and representatives of Patrick Lyons, deceased, a certain tract or parcel of land situate in Appoquinimink Hundred, in the County of New Castle;" which, being read the third time, by paragraphs, and an amendment proposed and agreed to, passed the House.

Ordered, That the said amendment be transcribed and sent, with the bill and the resolution for a draught on the Loan Office of New Castle for the payment of one hundred and forty-five pounds seventeen shillings and six pence to George Read (which said resolution was concurred in by Council), to the House of Assembly.

Mr. Massey, a member of the House of Assembly, was admitted and presented to the Chair the resolution upon the memorial of Thomas Rodney for a reëxamination of the Loan Office Accounts of Kent County, with the amendments acceded to by that House.

Ordered, That Mr. Cook wait on the House of Assembly and return the same.

By special order,

The bill entitled "An act to regulate marriages," was read the third time, by paragraphs, and some amendments being proposed and agreed to, passed the House.

Ordered, That the said amendments be transcribed and sent, with the bill, to the House of Assembly, for their consideration and concurrence.

Adjourned to 10 o'clock to-morrow morning.

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TUESDAY, A. M., June 10, 1788.

Council met.

Mr. Vining, a member of the House of Assembly, was admitted and presented to the Chair a bill (which was read) entitled "An act to continue in force an act entitled 'A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts,' passed February 5, 1785, and for other purposes."

Ordered to lie on the table.

The bill entitled "An act to incorporate the Library Company of Wilmington," was read a second time and deferred for further consideration.

Mr. Polk, a member of the House of Assembly, was admitted and presented to the Chair a report of a committee upon the petition of Maurinas Haughey, and an order of that House upon the same, sent for concurrence.

Ordered to lie on the table.

Mr. Hayes, a member of the House of Assembly, was admitted and delivered to the Chair two reports of the Auditor of Accounts, dated June the 5th and 6th, 1788, concurred in by that House, and sent for the concurrence of Council; which were read.

Ordered to lie on the table.

Ordered, That Mr. Cook wait on the House of Assembly and deliver the following verbal message, to wit:

The Council, in answer to the proposal made by your honorable House on Saturday last, respecting the putting in nomination persons to be balloted for as a Justice of the Court of Common Pleas and Orphans' Court for the County of Sussex, to supply the place of John Laws, Esquire, accede to the same, and propose three o'clock this afternoon as the time for the meeting of both Houses in the Council Chamber.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met.

Mr. McCall, a member of the House of Assembly, was admitted and delivered the following verbal message:

The House of Assembly will meet the honorable the Council half an hour hence, in the Council Chamber, for the purpose expressed in their verbal message of this day.

The bill entitled "An act to continue in force an act entitled 'A supplement to an act for the more easy and speedy recovery of small debts, &c.,' " was read a second time and deferred for further consideration.

The Council and the House of Assembly met, in the Council Chamber, and proceeded to the nomination of persons to be balloted for as Justices of the Court of Common Pleas and Orphans' Court for the County of Sussex, as follows: John Clowes, Esquire, was proposed for third Justice, and Alexander Laws, Esquire, for fourth Justice.

Resolved, That both Houses separate for the space of ten minutes, and that they then meet and proceed to the election aforesaid.

Agreeable to order, the Council and the House of Assembly met in the Council Chamber.

Ordered, That Mr. Vining, Mr. Grantham, and Mr. D. Polk be a committee to wait on his Excellency, the President, and inform him that the General Assembly are now convened to elect Justices to fill the vacancies in the Courts aforesaid, and request his attendance.

Whereupon his Excellency, the President, being conducted in by the committee, the President and General Assembly proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancy in the Court of Common Pleas and Orphans' Court for the County of Sussex, and the ballots being taken and examined, John Clowes, Esquire, fourth Justice, was declared to be duly elected third Justice of the said Courts; and Alexander

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Laws, Esquire, was declared to be duly elected fourth Justice of the said Courts.

The President withdrew, both Houses separated, and the Council met in the Council Chamber.

The bill entitled "An act to continue in force an act entitled 'A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts,' passed February 3d, 1785,' and for other purposes," was read the third time, by paragraphs, and several amendments being proposed and agreed to, passed the House.

Ordered, That the said amendments be transcribed and sent, with the said bill, to the House of Assembly, for their consideration and concurrence.

Mr. Evans, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act for continuing the powers of the Collectors of the State Taxes;" which was read.

Ordered to lie on the table.

The bill entitled "An act to incorporate the Members of the Library Company of Wilmington," was read the third time, by paragraphs, and, being amended, passed the House.

Ordered, That the said amendments be transcribed and sent, with the bill, to the House of Assembly, by Mr. Polk, for their consideration and concurrence.

By special order,

The bill entitled "An act for continuing the powers of the Collectors of the State Taxes," was read a second time and deferred for further consideration.

On motion, the order of the House of Assembly upon the petition of Maurinas Haughey, respecting a lost certificate, was read, considered, and concurred in by Council.

The last mentioned bill was read the third time by paragraphs and passed the House.

Ordered, That the same, together with the papers upon the

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petition of Maurinas Haughey, be returned to the House of Assembly by Mr. Laws.

Adjourned to 8 o'clock to-morrow morning.

WEDNESDAY, A. M., June 11, 1788.

Council met.

On motion for leave to bring in a bill for directing elections of members of the Council in certain cases of vacancies, the same was granted; whereupon Mr. Read laid before Council a bill for that purpose, which was read.

By special order, the same was read a second time, and the third time, by paragraphs, and passed the House.

Ordered, That the same be transcribed; which was done accordingly.

The Auditor's Report of the 5th June, 1788, was read, and an amendment being proposed and agreed to, ordered that the same be transcribed.

The Auditor's Report of the 6th of June was read, considered, and agreed to.

A member of the House of Assembly was admitted and presented to the Chair an order of that House, which was read as follows:

IN THE HOUSE OF ASSEMBLY,
WEDNESDAY, A. M., June 11th, 1788.

On motion,

Ordered, That the following part of the report agreed to by this House on the 30th day of January last be sent to the Council for their consideration and concurrence, to wit:

In the communication from the Auditor, dated October 29th, 1787, is inserted an extra charge of the Auditor in his own favor

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for services done in Wilmington, stated to be full three months attendance, for which he hopes a reasonable allowance. Your committee therefore report that for such services and attendance the Auditor be allowed the sum of sixty pounds.

Ordered, That Mr. Hazzard wait on the Council and deliver the same.

Extract from the minutes.

JAS. BOOTH, *Cl'k of Assembly.*

The foregoing order of the House of Assembly, with their agreement to the report of their committee on the communication of the Auditor made as above stated, being taken into consideration; thereupon

Resolved, That an order be drawn upon the State Treasurer, by the Speakers of the two Houses of the General Assembly of this State, for the sum of sixty pounds, to be paid to Eleazar McComb, Esq., as Commissioner of this State, for attaining a settlement of the accounts thereof against the United States, in part of his services in that business during the time of such his appointment.

Mr. Polk, a member of the House of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly, that the Speakers of both Houses draw an order on the State Treasurer for the payment of fifty pounds to his Excellency, the President, in order to defray his expenses during his attendance on the present and preceding sessions of the General Assembly.

In Council, read, considered, and concurred in.

Ordered, That the two following engrossed bills be sent to the House of Assembly, by Mr. Horsey, to be signed by the Speaker, viz: The bill entitled "An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their returns on writs of *fieri facias*;" and the bill entitled "A supplementary act to the act entitled 'An act for naturalization;'" also that the bill entitled "An act directing elections of members of the Council in certain cases of vacancies," be sent for the consideration and concurrence of that House.

Ordered, That the same member also return the report of the

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Auditor of the 5th June, 1788, with its amendments, for the consideration and concurrence of the House of Assembly; also the report of the 6th June, 1788, thus acted upon in Council: read, considered, and agreed to; and the resolution for the payment of fifty pounds to his Excellency, the President, thus acted upon: read, considered, and concurred in.

Mr. Vining, a member of the House of Assembly, was admitted and delivered to the Chair the following engrossed bills, to be signed by the Speaker of the Council, to wit:

The bill entitled "An act to continue in force an act entitled 'A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts,' passed February 3d, 1785,' and for other purposes;"

The bill entitled "An act to regulate marriages;"

The bill entitled "An act to incorporate the Members of the Library Company of Wilmington;"

The bill entitled "An act to continue in force an act entitled 'An act to increase the daily allowance to Grand and Petit Jurors and Witnesses;' "

The bill entitled "An act to repeal an act entitled 'An act for the further security of the Government;' "

The bill entitled "An act to appropriate the perquisites arising from marriage and tavern licenses;"

The bill entitled "An act for continuing the powers of the collectors of the State taxes;"

The bill entitled "An act for altering the place of holding the general election for the present year in the County of Sussex;"

The bill entitled " An act to enable John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey to Raynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land situate in Mispillion Hundred, Kent County;"

The bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the heirs of Goldsmith E. Folwell, deceased;" and

The bill entitled "An act to empower the executors of the

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testament and last will of Richard McWilliam, the younger, late of New Castle County, deceased, to convey in trust for the heirs and representatives of Patrick Lyons, deceased, a certain tract or parcel of land situate in Appoquinimink Hundred, in the County of New Castle;"

And the said bills, being severally compared, were signed accordingly.

Mr. Gordon, a member of the House of Assembly, was admitted and returned the two engrossed bills sent by Mr. Horsey to be signed by the Speaker of that House; together with the bill entitled "An act directing the election of members of the Council in certain cases of vacancy," which were severally compared and signed by the Speaker of the Council.

The same member also delivered to the Chair the following resolution, viz:

IN THE HOUSE OF ASSEMBLY,
WEDNESDAY, June 11, 1788, A. M.

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal to the following laws:*

* So ends the record of the proceedings at this session.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

DOVER, October 20, 1788.

Divers of the members met, but the number not being a quorum, adjourned from day to day until Thursday, the 23d.

THURSDAY, A. M., October 23, 1788.

It appears by the returns of the officers of the several Counties in this State, appointed by law to be Judges of Elections, that on the first day of October instant, at the usual places of election for the said Counties, the following gentlemen were chosen to represent the said Counties in the Council of the Delaware State, viz:

For New Castle County—Gunning Bedford, Thomas Kean.*

For Kent County—Nicholas Ridgely.

For Sussex County—George Mitchell, Daniel Polk.†

All the members now appeared except Mr. Kean and Mr. Horsey.

The Council proceeded to the choice of a Speaker, and George Mitchell, Esquire, was unanimously elected.

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* In the place of Mr. McDonough. † In the place of Alexander Laws.

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The Speaker, in the Chair, and afterwards Mr. Bedford, Mr. Ridgely, and Mr. Polk, took the oath of allegiance and made and subscribed the declaration of faith prescribed by the Constitution. [*See note on page 10.*]

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to ten o'clock to-morrow morning.

FRIDAY, A. M., October 24, 1788.

Council met. Present the same members as on yesterday.

On motion, by order,

The rules to be observed by the members of Council, made and agreed to in October, 1776, together with the addition made thereto by Council in October, 1786, were read and adopted as the rules to be observed by Council.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Mr. Kean appeared in the House and took the oath of allegiance and made and subscribed the declaration of faith prescribed by the Constitution. [*See note on page 10.*]

On motion, by order,

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The bill, read in Council the 29th of January last, entitled "An act for appointing John Baning, Eleazer McComb, and Nicholas Ridgely, Esquires, Commissioners for the Town of Dover, was now read the second time and referred to Mr. Ridgely, Mr. Cook, and Mr. Baning, to report thereon.

On motion,

Resolved, That Mr. Ridgely be appointed to supply the place of George Read in the Committee on Finance, who was appointed on the part of Council on the 4th of June, 1788.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., October 25, 1788.

Council met.

Mr. Speaker laid before Council the following papers delivered him by a member of the House of Assembly, which were read, viz: a message from the President of the 23d of October instant; a circular letter from the Secretary of Congress of the 13th September, 1788; and an act of Congress of the 13th of the same month, for giving operation to the new Constitution.

The Speaker also laid before the Council the following verbal message from the House of Assembly, viz:

The House of Assembly propose to the honorable the Council that both Houses of the Legislature meet, in the Council Chamber, to-morrow at twelve o'clock at noon, to put in nomination persons out of whom shall be elected by ballot two Senators to represent this State in the Congress of the United States, agreeable to the third section of the first article of the Constitution of the United States; it appearing, from the communication to this General Assembly of the act of Congress of the 13th of September last, for putting into operation the said Constitution, that the

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same hath been ratified in the manner therein declared to be sufficient for the establishment thereof.

JAS. BOOTH, *Cl'k of Assembly.*

Friday, P. M. Oct. 24th, 1788.

On motion,

Ordered, That Mr. Ridgely wait on the House of Assembly with the following verbal message:

The Council agree to the proposal made by your honorable House, of yesterday, for the meeting of both Houses of the Legislature in the Council Chamber to-day, at twelve o'clock, at noon, to put in nomination persons out of whom shall be elected two Senators to represent this State in the Senate of the United States, agreeable to the message of your honorable House; and the Council inform your honorable House that they will be ready to receive you in fifteen minutes.

Mr. Speaker laid upon the table a letter from George Read, Esq., of the 20th of October, instant; which was read.

Ordered to lie on the table.

Mr. Holland, a member of the House of Assembly, was admitted and delivered the following verbal message:

The House of Assembly propose to the honorable the Council that the two Houses of the General Assembly proceed to the nomination of persons out of whom shall be elected, by ballot, a Justice of the Court of Common Pleas and Orphans' Court for the County of Sussex, to supply the vacancy occasioned by the death of William Polk, Esq., at the time both Houses are convened to nominate persons for Senators.

On motion,

Ordered, That Mr. Vandyke wait on the House of Assembly with the following verbal message:

The Council agree to the proposal of your honorable House for putting in nomination persons out of whom to be chosen a Judge to supply the vacancy in the Court of Common Pleas and Orphans' Court of Sussex County, occasioned by the death of William Polk, Esq.

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The General Assembly met, in the Council Chamber, and proceeded to the nomination of persons out of whom shall be elected Senators to represent this State in the Senate of the United States; and also Justices of the Court of Common Pleas and Orphans' Court for the County of Sussex, to fill the vacancy occasioned by the death of William Polk, Esq., when the following gentlemen were nominated for Senators, viz: George Read, Esq., Gunning Bedford, Junior, Esq., and Richard Bassett, Esq.; and the following nominations were made for Justices of the said Courts, viz: John Clowes, Esq., was nominated for second Justice; Alexander Laws for third Justice; Peter F. Wright for fourth Justice, and Simon Kollock for fourth Justice.

Resolved, That both Houses meet, in the Council Chamber, at three o'clock this afternoon, to ballot for Senators; and that they proceed, at four o'clock, to the election of Justices to supply the vacancy aforesaid.

Ordered, That Mr. Vining, Mr. Truitt, and Mr. Vandyke be a committee to wait on his Excellency, the President, and inform him that both Houses of the General Assembly will be convened in the Council Chamber, at four o'clock in the afternoon, to ballot for Justices to supply the vacancy aforesaid, and request the attendance of his Excellency.

Then both Houses separated, and Council adjourned to three o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

The General Assembly met, in the Council Chamber, and proceeded, by joint ballot, to the election of Senators to represent this State in the Senate of the United States, and the ballots being taken and examined, George Read and Richard Bassett, Esquires, were declared to be duly elected.

His Excellency, the President, being conducted in by the com-

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mittee, the President and General Assembly proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancy in the Court of Common Pleas and Orphans' Court in the County of Sussex, and the ballots being taken and examined, John Clowes, Esq., third Justice, was declared to be duly elected second Justice; Alexander Laws, Esq., fourth Justice, was declared to be duly elected third Justice; and Peter F. Wright, Esq., was declared to be duly elected fourth Justice of the said Courts.

The President withdrew, both Houses separated, and Council adjourned to Monday morning, 10 o'clock.

MONDAY, A. M., October 27, 1788.

Council met. Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

On motion of Mr. Ridgely, for leave to bring in a bill, by way of supplement to an act entitled "An act directing the manner and form of securities to be given by Sheriffs, and prescribing a time for their returns on writs of *fieri facias*," the same was granted; whereupon he laid upon table a bill for that purpose; which was read.

By order, the said bill was read the second time and deferred for further consideration.

Mr. Bishop, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act directing the time, places and manner of holding an election for a Representative of this State in the Congress of the United States, and

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for appointing Electors, on the part of this State, for choosing a President and Vice-President of the United States, which was read.

Ordered to lie on the table.

Mr. Montgomery, a member of the House of Assembly, was admitted and delivered to the Chair a report of the Auditor, dated the 24th of October instant, which was read.

Ordered to lie on the table.

Adjourned to eight o'clock to-morrow morning.

TUESDAY, A. M., October 28, 1788.

Council met.

The bill entitled "An act directing the time, place and manner of holding an election for a Representative, &c.," was read the second time.

By special order, the said bill was read the third time by paragraphs and amended.

Ordered, That the said amendments be transcribed by the Clerk.

The report of the Auditor, dated the 24th instant, was read and agreed to, as follows:

The Auditor begs leave to report: That John McKinly, Esq., produced to him, in Wilmington, a small quarto paper book, which, he informed him, he had fortunately discovered among some old papers; that upon examining the same he found it contained accounts of the receipts and expenditures of public monies by the said John McKinly, Esq., as Treasurer of the Committee of New Castle County, as Military Treasurer of the said County, and as Speaker of the House of Assembly of this State; and the Auditor particularly noted that the sum of eight hundred and eighty-two pounds, twelve shillings and four pence, received by

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the said John McKinly, Esq., from Thomas Collins, Esq. on the 9th day of November, 1776, was therein credited and accounted for in a settlement made with a Joint Committee of the General Assembly, entered in the Journals of the House of Assembly for February, 1777, in page 103.

ELEAZER McCOMB.

Auditor's Office, Oct. 24th, 1788.

In the House of Assembly, Monday, P. M., October 27, 1788, read and concurred in.

JAS. BOOTH, *Cl'k of Assembly.*

In Council, Tuesday, A. M., Oct. 28, 1788, read and agreed to. JOHN E. CLAYTON, *Cl'k of the Council.*

Ordered, That the foregoing report, together with the aforesaid bill and amendments, be sent to the House of Assembly by Mr. Polk.

By special order,

The bill entitled "A supplement to an act entitled 'An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their returns on writs of *fieri facias*,'" was read the third time by paragraphs and passed the House.

Ordered, That the same be transcribed and sent to the House of Assembly for their consideration and concurrence.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The Speaker laid on the table the following resolution of the House of Assembly, delivered him by a member of that House, which was read, as follows:

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IN THE HOUSE OF ASSEMBLY,
TUESDAY, A. M., Oct. 28, 1788.

On motion,

Resolved, That this House intend to conclude the present session this evening by adjourning the same to a distant day.

JAS. BOOTH, *Cl'k of Assembly.*

Mr. Ridgely laid upon the table a petition of James Rumsey, of the State of Virginia, which was read.

Ordered to lie on the table.

Mr. James, a member of the House of Assembly, was admitted and returned the bill entitled "A supplement to an act entitled 'An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their returns on writs of *fieri facias*,'" concurred in by that House.

Ordered that the same be engrossed.

Mr. Raymond, a member of the House of Assembly, was admitted and returned the bill entitled "An act directing the time, places and manner of holding an election for a Representative of this State in the Congress of the United States, and for appointing Electors, on the part of this State, for choosing a President and Vice-President of the United States," with the amendments proposed thereto by Council acceded to by that House, to be signed by the Speaker of the Council; which said bill was compared and signed accordingly.

Ordered, That Mr. Polk wait on the House of Assembly and return the said bill, and also deliver the other engrossed bill, to be signed by the Speaker thereof.

Mr. Truitt, a member of the House of Assembly, was admitted and presented to the Chair the following resolution, viz:

IN THE HOUSE OF ASSEMBLY,
TUESDAY, P. M., Oct. 24, 1788.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal to the following laws:

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1. "An act directing the time, places and manner of holding an election for Representative of this State in the Congress of the United States, and for appointing Electors, on the part of this State, for choosing a President and Vice-President of the United States;"

2. "A supplement to an act entitled 'An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their returns on writs of *fieri facias*.'"

JAS. BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

In Council, *eodem die*, read and concurred in.

Then the Council allowed the following accounts:

To the Hon. George Mitchell, Esq., Speaker, for 10 days' attendance in Council and mileage, . . .	£	11	12 0
To Gunning Bedford, Jun., Esq., for 7 do. do., . .		6	14 0
To Thomas Kean, Esq., 5 do. do., ...		5	5 0
To Nicholas Vandyke, Esq., 8 do. do., ...		6	10 0
To John Baning, Esq., 7 do., ...		4	4 0
To John Cook, Esq., 7 do. do., ...		4	15 0
To Nicholas Ridgely, Esq., 7 do., ...		4	4 0
To Daniel Polk, Esq., 7 do. do., ...		6	4 0
To John E. Clayton, for 9 days and paper, ...		6	4 2
To Benj. Crooks, Doorkeeper, 6 days' attendance, .		2	5 0
To Mrs. Battell, for the use of a room, ...		2	12 6
	£	60	9 8

Resolved, That orders be drawn on the State Treasurer for the above sums, and that the same be signed by the Speaker.

Whereupon orders were drawn and signed accordingly.

The Doorkeeper delivered to the Speaker a notice of adjournment of the House of Assembly to the 12th of January next, and Council adjourned to the same time.

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MINUTES OF COUNCIL.

1789.

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MEMBERS' NAMES.

FOR NEW CASTLE COUNTY:

NICHOLAS VANDYKE, GUNNING BEDFORD, THOMAS KEAN.

FOR KENT COUNTY:

JOHN BANING, JOHN COOK, NICHOLAS RIDGELY.

FOR SUSSEX COUNTY:

ISAAC HORSEY, DANIEL POLK, GEORGE MITCHELL.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1789.

DOVER, January 12, 1789.

Divers of the members met, but the number not being a quorum, adjourned from day to day until Saturday, the 17th of January following.

SATURDAY, A. M., January 17, 1789.

Council met. Present, Mr. Vandyke, Mr. Baning, Mr. Cook, Mr. Ridgely, and Mr. Horsey.

On motion,

Resolved, That during the present sessions the door of Council shall be open for the admission of all orderly persons without the bar of Council.

Mr. Ridgely laid before the Council a memorial of Dr. James Sykes, praying leave to bring in a bill to enable him to bring into this State certain negroes, which, by the testament and last will of Robert Goldsborough, Esq., of the State of Maryland, were bequeathed him; which was read and referred to Mr. Ridgely, Mr. Cook, and Mr. Baning, to report thereon.

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The petitions from James Rumsey, of Berkley County, attended with sundry other papers relative thereto, were presented and read.

Ordered, That the same be referred to Mr. Ridgely, Mr. Vandyke, and Mr. Horsey, to report thereon.

Mr. Coombs, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act to prevent the importation of convicts into this State;" a letter from the Secretary of Congress, of the 17th of September, 1788, to the President of this State, and a recommendation from Congress, of the 16th of the same month, upon which the aforesaid bill is founded; which were severally read.

Ordered to lie on the table.

Mr. Latimer, a member of the House of Assembly, was admitted and presented to the Chair a message from the President, of the 6th June, 1788, which was read, and is as follows:

Gentlemen of the General Assembly:

I have directed the Secretary to lay before you, for your information, a circular letter from the Secretary for Foreign Affairs, of the 17th of May last, and a letter from the Secretary of Congress, of the 12th of the same month, with their enclosures. These papers I would wish to have returned after they have been perused by your honors, as I purpose to publish them for the general information of the citizens at large.

As I am persuaded that the justice of the Legislature will extend to compensate for services rendered to the State by the servants of the public, I beg leave to observe to your honors that no provision is made for various public duties enjoined to be performed by the Secretary of this State, and in discharge of which considerable expenses must necessarily be incurred by him.

There are also many contingent expenses incident to the due administration of Government, such as the payment of expresses, postage of public letters, &c., which ought to be provided for to prevent the inconvenience which must otherwise follow.

I am therefore under the necessity of suggesting to your

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honors the justice and propriety of making such provision in these respects as you may deem consistent with your wisdom, and most honorable and beneficial to the State.

June 6, 1788. THOS. COLLINS.

The same member also delivered the following message from the President, together with the several letters and their enclosures therein referred to, which were severally read:

Gentlemen of the General Assembly:

During your late recess, the following public letters have been received by me, which I have directed the Secretary to communicate to you, with their inclosures, to wit: from the Convention of the State of New York, of the 26th of July last; from the President of the Convention of Virginia, of the 28th of June, and from the General Assembly of the said State, of the 20th of November; from the President of the Convention of North Carolina, of the 12th and 24th of August; and from the President of the Convention of South Carolina, of the 24th of May last.

The Secretary will also lay before your honors a printed copy of the journals of Congress, from the 20th of August last to the end of the federal year.

As it does not appear from the journals of the General Assembly that any provision has been made for the contingent expenses of government, recommended in my message of the sixth day of June last, I must earnestly entreat the attention of your honors to that business. And upon this subject, I cannot forbear to observe that the multiplicity of post-offices, erected upon the state road to Wilmington, and the extravagant rates demanded for the portage of letters, appear burthensome to the community. Under what authority those offices are instituted, or these rates demanded, I am unable to ascertain, nor will my present indisposition permit me to take steps for that purpose; but I conceive their existence to be an evil that requires legislative inquiry; and upon this business perhaps your honors can obtain information from the Post-Master of this State, who is a member of the General Assembly. THOMAS COLLINS.

Belmont, January 14, 1789.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met.

The committee appointed on the 24th of November last to consider the bill for appointing Commissioners for the Town of Dover, brought in their report, which was read, as follows:

The committee to whom was referred the bill entitled "An act for appointing John Baning, Eleazer McComb, and Nicholas Ridgely, Esquires, Commissioners for the Town of Dover, and for other purposes," beg leave to report: That they think the clause in that bill for selling lots and confirming titles are proper, but all of the other clauses should be entirely rejected. They also think there should be a clause in the bill for regulating and ascertaining the streets that have been already laid out, to be done from the best documents to be found. The want of such a regulation is a growing evil, and the sooner it is prevented the fewer disputes there will be.

Read and agreed to.

On motion of Mr. Ridgely, for leave to bring in a bill for altering the manner of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables, the same was granted; whereupon he laid before the Council a bill for that purpose, which was read.

Ordered to lie on the table.

The bill entitled "An act to prevent the importation of convicts into this State," was read the second time. Deferred for further consideration.

Adjourned to Monday morning, 10 o'clock.

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MONDAY, A. M., January 19, 1789.

The Council met. Present the same members as on Saturday.

The bill entitled "An act for altering the mode of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables," was read the second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Mr. Polk appeared and took his seat.

The committee appointed to consider the memorial of Doctor James Sykes, of the 17th, now brought in their report, which was read and agreed to, as follows:

That your committee have taken into their consideration the law of this State entitled "An act to prevent the exportation of slaves, and for other purposes," and being satisfied that the facts alleged in the said memorial are true, do now report, that, in their opinion, a supplementary act to the above recited law should be enacted, extending liberty to devisees to bring into this State slaves devised to them, and also to those persons within this State who may become entitled to such property as heirs or representatives to any person or persons dying intestate.

By special order,

The bill entitled "An act for altering the manner of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables," was read the third time by paragraphs, and, being amended, passed the House..

Ordered, That the same be transcribed and sent to the House of Assembly for concurrence.

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The bill before the Council in the session of June last, entitled "An act to provide for the appropriation of such certificates of depreciation as have not been claimed by the persons justly entitled to receive the same," was read.

Ordered, That Mr. Vandyke, Mr. Ridgely, and Mr. Cook take the said bill into consideration and report thereon.

The committee to whom was referred the petitions of James Rumsey, brought in their report, which was read and agreed to, as follows:

Your committee beg leave to report that they have examined the act of Assembly for granting and securing to John Fitch the sole and exclusive right of making, constructing, and employing the steamboat by him latety invented, for a limited time, and find by that act the said Fitch hath had granted to him the sole and exclusive right of making, constructing, using, employing, and navigating all and every species or kind of boat or water craft which may be impelled, urged or driven through the water by the application, force, or agency of steam or fire, applied *in any manner whatsoever*. That during the operation of that act they do not think it right that Mr. Fitch should be deprived of the benefits of it without a hearing. Your committee propose that a joint committee of the General Assembly should be appointed for the purpose of hearing the parties on this subject on the 27th instant, the said Fitch having four days previous notice. As to the other parts of Mr. Rumsey's petition, to have an exclusive right in the application of steam to other machines than that of boats, as particularly specified, they are of opinion he should have leave to bring in a bill for that purpose.

Mr. Charles Polk, a member of the House of Assembly, was admitted, and presented to the Chair the bill entitled "An act to incorporate the physicians of the Delaware State, and for other purposes therein mentioned," and a paper containing two amendments proposed to the amendments offered by Council the 29th of May last to the said bill, which were read, and a further amendment being proposed to the said two amendments and agreed to,

Ordered, That the same be returned to the House of Assembly for concurrence.

Adjourned to 10 o'clock to-morrow morning.

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TUESDAY, A. M., January 20, 1789.

Council met.

On motion,

Resolved, That two members be appointed, on the part of Council, as a joint committee to hear Mr. Rumsey and Mr. Fitch on the subject of the steamboat, on the 27th inst.

The members appointed on the part of Council, are Mr. Vandyke and Mr. Cook.

Ordered, That the same be transcribed and sent, with the report of the committee, by Mr. Ridgely, to the House of Assembly for concurrence.

Agreeable to leave given, a bill was presented and read, entitled "An act for creating original jurisdiction in the Supreme Court of this State in certain cases, to prevent the removal of suits from the County Court of Common Pleas after issue is joined therein, and to prevent the abatement of suits."

Ordered to lie on the table.

Agreeable to leave given upon the memorial of Doctor James Sykes, a bill was laid before Council and read, entitled "A supplement to an act entitled 'An act to prevent the exportation of slaves, and for other purposes."

By special order, the said bill was read the second time, and a third time by paragraphs, and passed the House.

Ordered, That the said bill be transcribed and sent, together with the memorial upon which it is founded, to the House of Assembly for consideration and concurrence.

The communication from the Auditor, of the 4th of June, 1788, was read, and an amendment agreed to.

Ordered, That the said amendment be transcribed and sent to the House of Assembly for concurrence.

Mr. Vining, a member of the House of Assembly, was admitted and returned the resolution of the Council upon the petitions

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of James Rumsey, disagreed to, the several papers which accompanied the same, and delivered to the Speaker the following resolution, which was read:

Resolution proposed by the House of Assembly upon the petitions of James Rumsey, instead of the resolution offered by the Council:

Resolved, That Thursday, the 29th day of this month, be assigned for hearing James Rumsey and John Fitch, before the General Assembly, at Dover, on the subject of the steamboat; that both Houses meet for that purpose at the time aforesaid, in the Council Chamber; and that James Rumsey, or his agent, give to the said John Fitch four days previous notice of this resolution.

Whereupon

Resolved, That Council concur in the said resolution.

Ordered, That the same be returned to the House of Assembly.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The bill entitled "An act to prevent the importation of convicts into this State," was read the third time, by paragraphs, and several amendments agreed to.

Ordered, That the same be transcribed and sent to the House of Assembly for consideration.

Mr. James, a member of the House of Assembly, was admitted and returned the communication from the Auditor, as amended by Council, agreed to.

Ordered, That the Clerk deliver to the State Treasurer a copy of the aforesaid communication.

Adjourned to 10 o'clock to-morrow morning.

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WEDNESDAY, January 21, 1789.

Council met.

Mr. Bishop, a member of the House of Assembly, was admitted and presented to the Chair the Auditor's Report of this day, which was read, stating that there is due to Capt. Robert Kirkwood the sum of fifty-eight pounds fifteen shillings and two pence, thus acted upon:

In the House of Assembly, A. M., January 21, 1789, read, considered, and agreed to.

JAS. BOOTH, *Cl'k of Assembly.*

Mr. Cooper, a member of the House of Assembly, was admitted and returned the bill entitled "An act to prevent the importation of convicts into this State," together with the amendments proposed thereto by Council, all of which, except the fourth and fifth, were rejected.

The Council then took into consideration the 1st, 2d, 3d and 6th amendments, and upon the question to recede from the first amendment, it was carried in the affirmative.

Council then proceeded to consider the second, third and sixth amendments, and upon the question to adhere to the same, it unanimously passed in the affirmative.

Ordered, That the aforesaid paper of amendments be sent to the House of Assembly for reconsideration.

On motion of Mr. Ridgely for leave to bring in a bill to prevent the payment of money into the Treasury of the United States for a limited time, the same was granted; whereupon he laid before the House a bill for that purpose; which was read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met.

On motion, ordered, that Mr. Vandyke, Mr. Ridgely, and Mr. Cook be a committee to prepare and bring in a bill for revising the fees of the different officers of this State.

Mr. Truitt, a member of the House of Assembly, was admitted and returned the bill entitled "An act to prevent the importation of convicts into this State," and the amendments of Council, accompanied with the following resolution:

IN THE HOUSE OF ASSEMBLY,

WEDNESDAY, January 21, 1789.

Mr. Ridgely, a member of the Council, was admitted and returned the bill entitled "An act to prevent the importation of convicts into this State," with the paper of amendments, to the 2d, 3d and 6th of which the Council adhere.

Resolved, That a committee be appointed by each House to confer on the subject of the said disputed amendments, and report thereon.

The members appointed on the part of the House are: Mr. Vining, Mr. Porter, and Mr. James.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

Read, considered, and disagreed to.

The Auditor's Report, of this day, upon the accounts of Capt. Robert Kirkwood, was read, and an amendment agreed to.

Ordered, That the same be returned for the consideration of the House of Assembly.

Mr. Wright, a member of the House of Assembly, was admitted and delivered a bill entitled "An act to dissolve the marriage of James Hathaway with Mary, his wife," together with the petition and sundry other papers upon which the said bill is founded; which were read.

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The said bill was read the second time, and the third time, by paragraphs, and an amendment proposed and agreed to.

Ordered, That the same, together with the resolution for appointing a committee of conference, be returned to the House of Assembly.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, A. M., January 22, 1789.

Council met.

The Clerk of the Council laid before the Speaker the Anditor's report upon the accounts of Capt. Robert Kirkwood, and the amendment of Council acceded to.

Mr. Cook laid before the Council a petition from Gersham Johnson, with sundry other papers; which were read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Mr. Bedford and Mr. Kean appeared in Council and took their seats.

Mr. Broom, a member of the House of Assembly, was admitted and delivered a bill, which was read, entitled "An act to grant to Joseph Anderson and Matthias Kerlin, Jr., an exclusive right to keep stage carriages on the public post-road leading through the State of Delaware between the City of Philadelphia and the Town of Baltimore," and the petition upon which the said bill is founded.

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Ordered to lie on the table.

The same member also delivered a message from the House of Assembly, which was read, and is as follows:

A MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

Gentlemen:

The message received from your honorable house, in answer to a resolution of this house, proposing a committee of conference relative to a depending bill, has highly astonished and alarmed us.

The circumstance of rejecting a proposal from either house, to confer with a committee to be appointed by the other, for the purpose of mutual communication and information, we conceive to be equally unprecedented in form, and dangerous in its political tendency. We do not mean to engage in a mere altercation about form; we are only sorry, in the present instance, that we are obliged to complain of an infringement of a legislative and parliamentary custom.

When two branches of legislature are so constructed as to make a concurrence constitutionally requisite, in order to effect public business, and are so organized as to operate as reciprocal checks upon each other, frequent communications are often essential. Such communications, we apprehend, are regularly to be accomplished by committees of conference, appointed by the respective houses. The reason and expediency of appointments of this nature are too cogent and obvious now to be enlarged upon.

The message received from your honorable house has left us, with respect to the bill at present in controversy, without alternative. We cannot, as we conceive, consistent with the sacred duty which we owe to our constituents and to ourselves, concur in the amendments offered to us, without further information from your honorable house. This information, at least in the usual way, you have denied us.

Admitting that the Council have an absolute and constitutional right of rejecting any proposals which may be made by this house, we cannot help expressing our regret and surprise, that the exercise of the power was not reserved for an occasion more

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weighty and important than the one which now engages our attention; and we are equally sorry, that the urgent business of the State should be obstructed by delays, which we conceive might have been avoided, but have now become indispensible.

The preservation of that dignity which each house owes to itself, and relatively to each other, we take to be the surest means of preserving the harmony so necessary in all deliberative assemblies, and so essential to the discharge of our respective duties.

Should your honorable house concur with us in the ideas which we have now addressed to you, and agree to reconsider your message of yesterday, we shall rejoice in the prospect of a system of confidence, and an honorable discharge of the duties intrusted to us; but should you, on the other hand, persevere in a line of conduct so different from the one heretofore pursued, we have only to lament, that one of the most useful purposes for which two branches of the legislature were created, "That of uniting their wisdom and councils for the general benefit of the State," must necessarily be destroyed.

Signed by order of the House of Assembly,

Dover, 22d January, 1789. JEHU DAVIS, *Speaker.*

The memorial of Joseph Anderson and Matthias Kerlin was presented and read.

Ordered to lie on the table.

The bill entitled "An act to grant Joseph Anderson and Matthias Kerlin, Jr., an exclusive right to keep stage carriages on the public post-road, &c.," was read a second time and unanimously rejected.

Ordered, That the said bill, and the several papers which accompanied the same, be returned to the House of Assembly.

The bill entitled "An act to prevent the payment of any money into the Treasury of the United States for a limited time," was read a second time and deferred for further consideration.

The bill entitled "An act for creating original jurisdiction in the Supreme Court, &c.," was read a second time and deferred for further consideration.

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On motion,

Ordered, That Mr. Bedford be added to the committee appointed to prepare and bring in a bill for regulating fees.

Ordered, That the following message be transcribed and sent to the House of Assembly:

AN ANSWER FROM THE COUNCIL TO A MESSAGE FROM THE HOUSE OF ASSEMBLY.

Gentlemen:

The Council have taken into consideration the message this afternoon received from your honorable House, and are truly surprised that the exercise of a right so clearly established should become a matter of astonishment and alarm. Where rights are defined and well ascertained, we conceive a precedent unnecessary to justify us in our conduct, should that be wanting; but we are not without even that authority.

Had your honorable House given a single reason for your rejection of the amendments proposed by Council, we should perhaps have thought a conference more eligible than we did. Extraordinary modes of legislation should not be adopted but on extraordinary occasions. The object of the bill, even in the most perfect state it could have been formed, was certainly not worth the time that had fruitlessly been spent on it previous to your proposal for a conference, much less to waste more without a certainty of agreement.

Council are not so very tenacious of former opinions as obstinately to adhere to them could they be satisfied they were wrong; but until this is done they think they should be wanting in duty to their constituents to recede from them and to permit established privileges of Council to be infringed.

We lament exceedingly that your honorable House should suffer the harmony of the Legislature to be interrupted on so trifling an occasion, and we sincerely hope that the most useful purposes for which two branches of the Legislature were created may not be destroyed.

Signed by order of the Council,

GEORGE MITCHELL, *Speaker.*

Dover, January 22d, 1789.

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Ordered, That the Auditor's report upon the accounts of Capt. Kirkwood be returned to the House of Assembly by Mr. Kean.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., January 23, 1789.

Council met. Present all the members.

The Council took into consideration the act entitled "An act for creating original jurisdiction in the Supreme Court of this State in certain cases, and to prevent the removal of suits from the Court of Common Pleas after issue is joined therein, and to prevent the abatement of suits," and some time being spent therein, the same was deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The committee to whom was referred the bill to provide for such certificates as have not been claimed by persons justly entitled to the same, beg leave to report: That they have considered the same and are of opinion it should not be passed, because it will draw into dispute the right of depreciation certificates, which we think hath already been regulated by former laws, except so far as the same relates to cases where this State hath not received credit for the same by the United States.

Read and ordered to lie on the table.

Mr. Vining, a member of the House of Assembly, was admitted and delivered to the Speaker a message, which was read, and is as follows:

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A MESSAGE FROM THE HOUSE OF ASSEMBLY IN ANSWER TO A MESSAGE FROM THE COUNCIL.

Gentlemen:

The House of Assembly have received the message from your honorable house, and still adhere to the idea that their rejection of the proposed committee of conference, as made by this house, was of the first impression. We conceive that Council have not taken the proper discrimination between a constitutional right, which we admitted, and the breach of a parliamentary custom of which we complained.

The House of Assembly remain yet to be convinced, that a precedent, similar in its nature, has ever existed, or has ever been exercised by either the House of Assembly or the Council, previous to the present instance. Upon this occasion the House of Assenbly beg leave to recommend to the attention of the honorable Council the several messages which passed between the Houses in the May session of 1786, where they will find the points at present in controversy fully ascertained and explained.

As to the supposed insignificance of the bill now in question, it only furnishes us with an instance, that even on trifling occasions, encroachments may be made by one House on the accustomed privileges of the other; and besides, it is a respect in our judgments due to any bill originating in either House, that it should not, unless rejected in the usual way, be entirely lost; the adoption of the rights now claimed establishes this dangerous precedent.

If your honorable House will only consider the progressive state of this business, they will find that not only custom, but parliamentary propriety, suggests abundant argument why the reasons of adhering to their several amendments should have been communicated to this House, either by way of message or by means of a committee of conference; otherwise any bill, even of the utmost importance, might be eventually lost, without such satisfactory information as might respectively induce the different Houses to recede from error or to have passed a salutary law.

Under the firmest persuasion therefore, that the reasons of rejection should have preceded the disagreement of Council to the conference, we trust that, let the sentiments of Council be ever so well established as to their right, they will be cautious of

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drawing into precedent a principal which in its effects may defeat the wisest purposes of legislation.

Signed by order of the House of Assembly,

Dover, January 22d, 1789. JEHU DAVIS, *Speaker*.

Mr. Bedford laid before the Council a petition of John Fitch, of Philadelphia, which was read, praying that the application of James Rumsey may not be permitted to interfere with the exclusive right heretofore granted to him.

Ordered, That the same be sent to the House of Assembly.

The Joint Committee of Finance made their report, which was read and agreed to.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, P. M., January 24, 1789.

Council met. Adjourned to 10 o'clock on Monday morning.

MONDAY, A. M., Jan. 26th, 1789.

Council met. Absent, Mr. Polk.

By special order, the bill entitled "An act to prevent the payment of any money into the Treasury of the United States," was read the third time by paragraphs and passed the House.

Ordered, That the same be transcribed and sent to the House of Assembly for concurrence.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met.

The Committee appointed to prepare and bring in a bill for the revising the fees of the different offices of this State, laid a bill before Council entitled "An act for regulating and establishing fees," which was read.

Ordered to lie on the table.

Mr. Montgomery, a member of the House of Assembly, was admitted and delivered to the Chair the Auditor's report, dated 20th October, 1788, upon a letter from Nathaniel Mitchell, Esq., to the Speaker of the House of Assembly, and a memorial from the said N. Mitchell, with a report of a committee thereon, which were read.

The same member also delivered the following resolution, which was read:

IN THE HOUSE OF ASSEMBLY, January 26, 1789.

The House of Assembly took into consideration the report of the Auditor, dated the 20th of October last, upon the accounts of Nathaniel Mitchell, Esq.; and also the report of a committee upon the memorial of the said N. Mitchell, and thereupon

Resolved, That there was due to the said N. Mitchell, for his attendance as Delegate from this State to Congress, from the 26th day of December, 1787, to the 12th September, 1788, including his traveling charges, £360, of which he has received £275, and that there is due to him the sum of £85.

Sent for concurrence. JAS. BOOTH, *C. H. A.*

Read and agreed to.

Adjourned to 10 o'clock to-morrow morning.

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TUESDAY, A. M., January 27, 1789.

Council met.

Mr. Holland, a member of the House of Assembly, was admitted and delivered the following message, which was read:

IN THE HOUSE OF ASSEMBLY, January 26, 1789.

On motion,

Ordered, That the Joint Committee of Finance make a complete adjustment of the Loan Office accounts of Kent County and report the same.

Sent for concurrence. JAS. BOOTH, *C. H. A.*

Mr. Gordon, a member of the House of Assembly, was admitted and returned the bill entitled "An act to prevent the payment of any money into the Treasury of the United States," rejected.

On motion,

Ordered, That the resolution of the House of Assembly upon the report of their committee on the accounts of N. Mitchell, Esq., and the several papers accompanying the same, be returned.

Ordered, That Council concur in the order of the House of Assembly for the complete adjustment of the Loan Office accounts, and that the same be returned by Mr. Kean.

A remonstrance and petition from several of the clergymen of the Episcopal and Presbyterian churches was presented and read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met.

A memorial and remonstrance from divers clergymen of this State was read, which, with the remonstrance read this forenoon, was referred to a committee of three to report thereon. The members appointed are Mr. Bedford, Mr. Cook, and Mr. Horsey.

The bill entitled "An act for regulating and establishing fees" was read a second time.

By special order, the said bill was read the third time, by paragraphs, and passed the House.

Ordered, That the same be transcribed and sent to the House of Assembly for concurrence.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, A. M., January 28th, 1789.

Council met. Present all the members.

Mr. Raymond, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "A supplement to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,'" concurred in.

Ordered that the same be engrossed.

The same member also delivered, for the concurrence of Council, a bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes;'" and thirteen amendments proposed to the bill entitled "An act for altering the manner of levying executions to be issued by Justices, &c.;" and the said bill.

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The Council proceeded to consider the aforesaid amendments, and, after some time spent therein, postponed the same to this afternoon.

The bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,'" was read.

By order, the said bill was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

Agreeable to the order of this forenoon, the Council resumed the consideration of amendments proposed to the bill entitled "An act for altering the manner of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables," and the question being put to agree to the said bill, as amended, and the yeas and nays, required by Mr. Bedford, are as follows:

Yeas—Mr. Baning, Mr. Cook, Mr. Ridgely, Mr. Horsey, Mr. Polk.

Nays—Mr. Vandyke, Mr. Bedford, Mr. Kean.

So it passed in the affirmative.

Ordered that the said bill be engrossed.

The Council proceeded to the consideration of the bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,'" and after some time spent therein, the last enacting clause was referred to Mr. Ridgely, Mr. Vandyke, and Mr. Polk, to report thereon.

Adjourned to 10 o'clock to-morrow morning.

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THURSDAY, A. M., January 29, 1789.

Council met.

Mr. Bishop, a member of the House of Assembly, was admitted and delivered the following papers, which were read: A letter from Dyre Kearney to the Speaker of the House of Assembly, his accounts, and the report of the Auditor thereupon; also the following resolution, viz:

IN THE HOUSE OF ASSEMBLY,
WEDNESDAY, P. M., January 28, 1789.

The committee to whom was referred the letter from Dyre Kearney, Esq., and the Auditor's report, dated the 27th instant, upon the accounts of the said Dyre Kearney, brought in their report, which was read, and thereupon

Resolved, That there was due to the said Dyre Kearney, Esq., for his attendance as a Delegate from this State to Congress, from the 18th day of January, 1788 to the 14th day of October following, including his traveling charges, £540, of which he has received £300, and that there is due to him the sum of £240.

Sent for concurrence. JAS. BOOTH, *C. H. A.*

The petition of Thomas Shipley, Caleb Seal, and Joseph Stedham, was read, praying relief from an act entitled "An act for the better regulation of the roads in New Castle County."

Ordered to lie on the table.

The committee to whom was referred the bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,'" brought in their report, which was read and agreed to.

The Council then proceeded to the consideration of the last mentioned bill, and some amendments being agreed to, ordered that the same be transcribed and sent for concurrence.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met.

The Council and the House of Assembly met in the Council Chamber agreeable to the order of the day, for hearing James Rumsey and John Fitch on the subject of the steamboat.

A petition from James Rumsey, by his agent, Joseph Barnes, was read, praying that he may be heard by counsel on the business aforesaid in case Mr. Fitch should be indulged with that privilege.

Resolved, That the said parties be heard either by counsel or personally, at their election, but that they be restricted so that neither party may be permitted to speak more than twice upon the main subject, and not oftener upon a collateral point.

Whereupon the General Assembly, having heard James Rumsey by Joshua Fisher, his counsel, and Richard Wells, on the behalf of John Fitch, and also the said Joshua Fisher in reply, both Houses separated, and Council adjourned to ten o'clock tomorrow morning.

FRIDAY, A. M., January 30, 1789.

Council met, and having taken into consideration the subject in dispute between Mr. Rumsey and Mr. Fitch proceeded as follows:

WHEREAS, by the Constitution of the United States, a power is reserved to the General Government to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right of their respective writing and discoveries; and as the Government of the United States is in full operation in this State by eleven States having acceded thereto, this State being one; therefore

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Resolved, That the application of Mr. Rumsey, for the exclusive privilege of making and using certain machines, said to be invented by him, be referred to the United States in Congress for decision.

Sent for concurrence.

The petition from Thomas Shipley, Caleb Seal, and Joseph Stedham, was referred to a committee to report thereon. The members are Mr. Cook, Mr. Vandyke, and Mr. Kean.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The committee to whom was referred the petition of Thomas Shipley, Caleb Seal, and Joseph Stedham, for vacating the road leading from Christiana Ferry to Brandywine Bridge, was read, and thereupon

Resolved, That the petitioners have leave to bring in a bill for the purpose of vacating the said road agreeable to the prayer of their petition, at the next sessions of the General Assembly; and that the petitioners give public notice of their application in the Wilmington newspapers, at least six weeks preceding the next sessions of the Legislature, by continuing such notice for three weeks, in order that any persons having objections to such bill may then be heard.

Sent for concurrence.

Adjourned to 10 o'clock to-morrow morning.

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SATURDAY, A. M., January 31, 1789.

Council met.

Mr. Holland, a member of the House of Assembly, was admitted and presented to the Chair the following resolution, which was read:

IN THE HOUSE OF ASSEMBLY,
FRIDAY, A. M., January 31, 1789.

On motion,

Resolved, That it is the intention of this House to conclude the present sessions on Monday evening, by adjourning the same to a distant day.

Extract from the minutes. JAS. BOOTH, *C. H. A.*

The same member also delivered the bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,'" with two amendments, which were read and deferred for further consideration.

Mr. Mitchell, the Speaker of the Council, prayed leave to resign his seat in the Chair, which was granted.

The Council proceeded to the choice of a Speaker, and Mr. Vandyke was unanimously chosen and took his seat.

Council having taken into consideration the amendments proposed to the bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, &c.,'" proposed divers amendments thereto.

Ordered to be sent to the House of Assembly for consideration.

Ordered, That the petition from Thomas Shipley, Caleb Seal, and Joseph Stedham, and the resolution of the Council thereon, be sent to the House of Assembly for concurrence.

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Mr. Bishop, a member of the House of Assembly, was admitted and delivered the bill entitled "An act for regulating and establishing fees," with two amendments proposed, which were taken into consideration, and two further amendments being proposed, ordered that the same be returned for consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

Mr. Truitt, a member of the House of Assembly, was admitted and returned the petition of Thomas Shipley, Caleb Seal, and Joseph Stedham, with the resolution of the Council thus acted upon:

"In the House of Assembly, January 30, 1789: Read and concurred in."

Mr. Charles Polk, a member of the House of Assembly, was admitted and returned the bill entitled "An act for regulating and establishing fees," and the paper of amendments acceded to.

Ordered to be engrossed.

The Council having taken into consideration the resolution of the House of Assembly upon the Auditor's report upon the accounts of Dyre Kearney,

Resolved, That the same be concurred in.

Ordered, That the said resolution, and papers accompanying the same, be returned to the House of Assembly.

The committee appointed to complete the adjustment of the Loan Office accounts of Kent County, brought in their report, which was read and agreed to, as follows:

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Simon W. Wilson, Loan Officer of Kent County, in account with the Delaware State.

DR.

To monies received on the emission of 1746, . .	£	286 13	8
" " " " 1759, . .		527 10	7¾
" " " " 1776, . .		696 0	3
" " " " 1785, . .		77 13	5
	£	1587 17	11¾

CR.

By monies actually let out, ...	£	393 6	11½
By 3 years and 9 months salary, @ £30 per an.,		112 10	0
By cash paid E. McComb, for the redemption of Bills of Credit, ...		50 6	2
By balance due the Delaware State, ...		1031 14	10¼
	£	1587 17	11¾

The Committee of Finance, to whom was referred the accounts of S. W. Wilson, Trustee of the Loan Office of Kent County, for a final settlement with that officer, beg leave to report: That they have examined the said officer in order to make him a party in the business, and, after allowing him all his charges against the State, find a balance of £1031 : 14 : 10¼ in his hands unaccounted for.

JOHN COOK,
NICHOLAS RIDGELY,
Members of Council.

THOMAS MONTGOMERY,
JACOB BROOM,
JOHN VINING,
JOHN GORDON,
RHOADS SHANKLAND,
Members of Assembly.

Dover, Jan. 28, 1789.

Thus acted upon in the House of Assembly, January 28, 1789: Read, considered, and agreed to.

JAS. BOOTH, *C. H. A.*

Adjourned to 10 o'clock, Monday morning.

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MONDAY, A. M., February 2d, 1789

Council met.

Mr. Polk, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act for the new appointment of a Trustee for the Loan-Office of the County of Kent, within this State, and for other purposes," which was read.

Ordered to lie on the table.

Mr. Holland, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act for raising £12,600 for the service of the year 1789, in addition to the arrearages due on former taxes," which was read.

Ordered to lie on the table.

The same member returned the report of the Joint Committee of Finance, and a communication from the Auditor praying that the report of the Committee, so far as the same relates to the censure passed upon him, may be amended.

Ordered to lie on the table.

Mr. Truitt, a member of the House of Assembly, was admitted and delivered to the Chair a report of the Auditor, which was read and postponed to this afternoon.

The bill entitled "An act for the new appointment of a Trustee for the Loan-Office of the County of Kent, within this State, and for other purposes," was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The Council took into consideration the last mentioned bill, the following amendment being proposed to the last enacting clause, to wit:

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"*And be it enacted*, That it shall and may be lawful for the Trustees of the Loan Offices in the respective Counties of this State to permit such persons who have not renewed their mortgages agreeable to the said recited act to which this is a further additional supplementary act, as also the guardian or guardians of such minors who are or hereafter may be lawful to the equity of redemption in any land mortgaged in the respective Loan Offices of this State, who have not received the mortgages by and with the approbation of the Orphans' Court of the County in which such guardian or minor may reside, first had upon a full statement to the said Court on or before the first day of April next, on the payment of costs upon such suits as have been instituted and not brought to light for the recovery of monies due on mortgage deeds, in the same manner and upon the same terms as are expressed and directed in other cases in the said recited act to which this is a supplement, and that any mortgage deed made and executed by such guardian or guardians, as aforesaid, shall be deemed and taken to be a renewal of the former mortgage, and be as binding upon the estate of such minors to all intents and purposes as the former mortgage might or could have been; and that all mortgages so renewed shall be deemed the first lien and have the priority of all judgments, mortgages, and other incumbrances whatsoever obtained or had since the date of such original mortgages so hereafter to be renewed."

The question on the same being moved, the yeas and nays were required by Mr. Mitchell, and are as follows:

Yeas—Mr. Bedford, Mr. Kean, Mr. Baning, Mr. Cook, Mr. Ridgely.

Nays—Mr. Mitchell, Mr. Horsey, Mr. Polk.

So it passed in the affirmative.

Mr. Broom, a member of the House of Assembly, was admitted and delivered to the chair the following resolution, which was read, viz:

IN THE HOUSE OF ASSEMBLY,
MONDAY, P. M., February 2d, 1789.

On motion,

Resolved, That the Auditor of Accounts be and is hereby authorized and empowered to call upon and apply to Donaldson

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Yeates, Esq., formerly Deputy Quartermaster-General of this State, for all such vouchers, papers, and documents as will be in the power of the said Donaldson Yeates to furnish, the better to enable this State to obtain a credit for advances made for the United States.

Sent for concurrence. JAMES BOOTH, *C. H. A.*

The same member also delivered the following resolution, which was read.

IN THE HOUSE OF ASSEMBLY, February 2d, 1789.

On motion,

Resolved, That, at the conclusion of the present session, this House adjourn to the Borough of Wilmington, and there hold their next session for transaction of public business.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

The bill entitled "An act for the new appointment of a Trustee for the Loan-Office of the County of Kent, within this State, and for other purposes," was read, and several amendments being proposed and agreed to, ordered that the same be sent to the House of Assembly, for their consideration.

The Council took into consideration the Auditor's report of this day, and the same being read, and also an amendment proposed and agreed to, ordered that the same be sent to the House of Assembly for consideration.

The bill entitled "An act for raising £12,600 for the year 1789," was read the second time and deferred for further consideration.

The resolution of the House of Assembly authorizing and empowering the Auditor to call upon and apply to Donaldson Yeates, Esq., was read and agreed to.

Ordered, That the same be returned to the House of Assembly.

Adjourned to 10 o'clock to-morrow morning.

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TUESDAY, A. M., Feb. 3d, 1789.

Council met, and took into consideration the report of the Committee on Finance so far as the same relates to the Auditor, and, on motion to strike out that part which censures his conduct, the same was disagreed to.

The Council took into consideration the bill entitled "An act for raising £12,600 for the service of the year 1789, in addition to arrearages on former taxes," and after progress made therein adjourned to 2 o'clock.

EODEM DIE, P. M.

Council met and resumed the consideration of the last mentioned bill and several amendments proposed thereto.

Ordered, That the same be transcribed and sent to the House of Assembly for their consideration.

Mr. Charles Polk, a member of the House of Assembly, was admitted and delivered to the Chair the following resolution, which was read, viz:

Resolved, That the additional sum of twenty-four pounds be allowed to the sum granted (by the concurrent resolution of the House of Assembly and Council on the 26th of January, 1789) Nathaniel Mitchell, Esq., for his traveling expenses, not included in the allowance made by the said resolution.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

The following engrossed bills were compared, viz: A bill entitled "An act for regulating and establishing fees;" an act entitled "An act altering the manner and form of levying executions to be issued by Justices of the Peace in certain cases, and for lessen-

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ing the number of Constables;" and the bill entitled "A supplement to an act entitled 'An act to prevent the exportation of slaves, and for other purposes.' "

Ordered, That the several foregoing bills be sent to the House of Assembly to be signed by the Speaker thereof.

Mr. Cannon, a member of the House of Assembly, was admitted and delivered a report from the Auditor in favor of Mr. Thomas Montgomery for the sum of £6, concurred in by the House.

In Council, read and concurred in.

Council took into consideration the resolution of yesterday, respecting an adjournment to Wilmington, and the question being put, "Do the Council agree to the same?" it was passed in the negative.

Ordered, That Mr. Cook wait on the House of Assembly and return the last mentioned resolution and Auditor's Report, also the aforesaid several engrossed bills, to be signed by the Speaker.

Resolved, That Mr. Ridgely and Mr. Cook, the two members of Council appointed on the Joint Committee of Finance, be allowed for seven day's attendance on the business, in vacation, the sum of five pounds five shillings each, and that Mr. Ridgely be allowed, for mileage, in going to Lewestown on the said business, the sum of two pounds two shillings, and that Mr. Cook be also allowed, for mileage to Lewestown, on the said business, the sum of two pounds and fourteen shillings.

Mr. Montgomery, a member of Assembly, was admitted and delivered to the Council several engrossed bills, to be signed by the Speaker, which said bills were compared and signed accordingly.

The same member also delivered the following resolution, which was read, viz:

IN THE HOUSE OF ASSEMBLY, February 3, 1789.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the following acts:

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1. "An act entitled 'A supplement to an act to prevent the exportation of slaves;' "

2. "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes;' "

3. "A supplement to an act entitled 'An act for calling in and destroying such of the Bills of Credit emitted by virtue of any law of this State, passed under the present or former Government thereof, as are now outstanding, and for other purposes;' "

4. "An act to dissolve the marriage of James Hathaway with Mary, his wife;"

5. "An act to incorporate the Physicians of the Delaware State, and for other purposes therein mentioned;"

6. "An act for altering the manner of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables."

Concurred in.

Mr. Raymond was admitted and delivered the bill entitled "An act for raising £12,600," and the amendments proposed by Council rejected, and a paper of amendments proposed to the paper of amendments from the Council, which was read and deferred till to-morrow morning for further consideration.

Adjourned to 10 o'clock.

WEDNESDAY, Feb. 4, 1789.

The Council met.

On motion of Mr. Mitchell for leave to bring in a bill for altering the place of holding the election in the County of Sussex, the same was granted; whereupon he laid before the Council a bill entitled "An act for altering the place of election * * *

[So ends the record of the proceedings of the Council for the

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year 1789. The minutes of the House of Assembly show that an adjournment *sine die* took place early on the 4th of February. The General Assembly convened again on the 26th day of May, pursuant to a summons of Hon. Jehu Davis, Speaker of the House of Assembly, upon whom the government devolved by reason of the decease of the President (Thomas Collins), and of the Vice-President (Nicholas Vandyke); and in a brief message, dated May 27th, Mr. Davis asks to be relieved. On Saturday, May 30th, Joshua Clayton was elected to the Presidency for the term of three years. On the 2d of June, Mr. Clayton formally accepted and entered upon the duties of the office. The Legislature adjourned *sine die* on the 5th of June.

The General Assembly met in Dover, October 20th, and adjourned on the 24th of the same month to the first Monday in January, 1790, after passing two unimportant bills.

The journal of the Council for the year 1790, could not be found among the State papers when the manuscripts of the minutes for other years were collected. From the House journal it is learned that the January session lasted until the 29th of said month, when both houses adjourned *sine die*. At this session the amendments to the Constitution of the United States, proposed by Congress in 1789 (except the first), were duly ratified. "An act to regulate marriages," was the only other measure of general interest that passed. George Mitchell was Speaker of the Council.

The General Assembly met, in Dover, on the 20th of October, 1790, and adjourned on the 26th of that month to the 4th of January, 1791. George Read was reëlected United States Senator. "An act directing the election of a Representative for this State in the Congress of the United States," was passed at this session.

The journal of the January session of the Council, 1791, to the 28th day, is missing, except a leaf containing part of the proceedings of a joint meeting of the two Houses held on the 22d.]

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MINUTES OF COUNCIL.

1791.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1791.*

SATURDAY, 22d January, 1791.

The Council and the House of Assembly met, in the Council Chamber, for the nomination of persons out of whom shall be chosen, by ballot, Justices of the Court of Common Pleas and Orphans' Court for the County of New Castle.

Mr. Johnson proposed Alexander Porter, Esquire, as fourth Justice.

Mr. Ridgely proposed Thomas McDonough, Esq., as second Justice.

Mr. James proposed Thomas Robinson as third Justice.

Resolved, That a committee of three be appointed to wait on and inform the President of the convention of the two Houses.

The committee are Mr. Duff, Mr. Grantham, Mr. Bedford.

Resolved, That the two Houses separate for fifteen minutes.

[A tally kept on the sheet containing the above minutes indicates that when the two houses reässembled a ballot was taken and Thomas McDonough received 25 votes as second Justice, Thomas Robinson 25 votes as third Justice, and Alexander Porter 24 votes as fourth Justice, and that each was duly elected.]

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* See note on page 1188.

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FRIDAY, January 28th, 1791.

Council assembled. Present as yesterday.

The Committee of the General Assembly appointed on the — instant, presented the following report, viz:

We, a committee of the General Assembly, do report: That we have examined and counted the Treasury notes issued by the Treasurer of the State and paid in to him again, and find they amount to 12,664$\frac{4}{90}$ dollars, equal to £4749 : 3 : 4, as, by a schedule, specifying their number and amounts, returned to the Auditor, may be particularly seen; and further, that the same were burned in our presence.

NICH'S RIDGELY,
Member of Council.

THOMAS MONTGOMERY,
Member of the House of Assembly.

28th January, 1791.

On motion, the bill entitled "An act to amend the act entitled 'An act to prevent the exportation of slaves, &c.,'" was read a second time and rejected.

On motion, the bill entitled "An act to vacate and make void a part of the public road or highway leading from Brandywine Creek to Christiana Ferry," was read, and the amendment proposed thereto was agreed to, with an additional amendment proposed by Council.

Ordered, That the said bill be returned to the House of Assembly by the Secretary; which was done accordingly.

Resolved, That no more accounts shall be allowed by this State on account of services rendered, money advanced, articles furnished, or any other matter or thing properly chargeable by individuals against this State, and by the State against the United States.

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Resolved, That the Auditor be furnished, by the Secretary of Council, with the above resolution.

Sent for concurrence.

On motion, the resolution of the House of Assembly of the 25th instant, respecting the claim of William Killen, Esquire, executor of Col. John Haslet, deceased, was read and concurred in.

Resolved, That if upon the final settlement of the accounts of this State with the United States, Col. Haslet's estate shall not be charged with any interest on 1,374$\frac{11}{90}$ dollars, the balance due on his account to the United States, this State will cause such interest as hath already been paid on that sum to be returned in final settlement certificates to the executor of Colonel Haslet.

Mr. Batson, a member of Assembly, was admitted and presented a bill entitled "An act for extending the time for the first payment of the tax for the service of the year 1790," passed by the House of Assembly, sent for concurrence. Which was, by order, read.

On motion, the bill entitled "An act for the supporting, maintaining, and keeping in good order the bridge over Mispillion Creek, and for other purposes therein mentioned," was read, and two amendments being proposed and agreed to, passed Council.

Ordered, That the Secretary return the said bill, with the amendments, to the House of Assembly, for their concurrence; which he accordingly did.

Resolved, That the State Treasurer be authorized to call upon the several officers within this State in whose hands Continental Bills of credit and final settlement certificates belonging to this State may have been lodged, and receive the same from them, and cause the same, together with those already in the Treasury, to be placed in the funds of the United States in the name of the Delaware State, and the said State Treasurer shall report his proceedings thereon to the General Assembly at their next sessions.

Sent for concurrence.

Mr. Cannon, a member of Assembly, was admitted and return-

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ed the bill entitled "A supplement to the act for embanking the Ferry Marsh," unanimously rejected.

On motion, the resolution of the House of Assembly of the 10th instant, for appointing commissioners to receive the revised acts of Assembly, was read and concurred in. The commissioner appointed on the part of Council is Nicholas Ridgely, Esq.

Mr. Batson, a member of Assembly, was admitted and presented the following papers: An act to enable the heirs of Jacob Cannon, late of Sussex County, deceased, to keep a Ferry over the River Nanticoke, at a place known by the name of Cannon's Ferry; which was, by order, read.

The same member also returned a report from the Auditor, dated the 20th January, 1791, with an amendment proposed thereto by the House of Assembly; and he returned the report of the Auditor, dated 18th January, 1791, with one amendment which was proposed thereto by Council acceded to, and one disagreed to unanimously; which report was, by order, read, and, on motion, Council unanimously adhered to their proposed amendments.

Ordered, That the same, with the foregoing resolution, be delivered by the Secretary to the House of Assembly for their concurrence; which was done accordingly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council assembled.

On motion, *Ordered*, That Nicholas Ridgely and Charles Nixon be and they are hereby appointed to take effectual measures to have fifty copies of the Votes and Proceedings of this house printed, from October, 1788, to the present session, inclusive.

Mr. Grantham, a member of Assembly, was admitted and re-

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turned the bill entitled "An act to vacate and make void a part of the public road or highway leading from Brandywine Creek to Christiana Ferry," with an additional amendment proposed thereto, which was agreed to.

Council ordered said bill to be engrossed.

On motion, the report of the Auditor, dated 20th instant, was read, and an amendment being proposed to the amendment proposed by the House of Assembly, ordered that the same be returned to the House of Assembly by the Secretary; which was done accordingly.

On motion, the bill entitled, "An act for extending the time for the first payment of the tax for the service of the year 1790," was read a second time, by special order, by paragraphs, and passed.

Ordered, That the said bill be returned to the House of Assembly by the Secretary; which was done accordingly.

Mr. Snow, a member of Assembly, was admitted and returned the resolution authorizing the State Treasurer to fund the bills of credit and certificates, with an amendment proposed thereto, and also the resolution respecting accounts against this State, with an amendment proposed thereto; which amendments were, on motion, acceded to.

Adjourned till to-morrow morning, 8 o'clock.

SATURDAY, January 29th, 1791.

Council assembled. Present as yesterday.

Mr. Raymond, member of the House of Assembly, was admitted and returned the resolution of Council respecting the executor of Col. John Haslet, concurred in by the House of Assembly, and the bill entitled "An act to authorize Ann Ridgely and Nicholas Ridgely, executors of Chas Ridgely, Esq., deceased, to convey unto Daniel Mifflin a certain parcel of land situate in

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Murderkill Hundred, Kent County," with sundry amendments proposed thereto, which was, on motion, read and rejected.

Mr. Truitt, a member of the House of Assembly, was admitted and presented for concurrence a bill entitled "A supplement to an act entitled "An act for erecting a bridge and causeway over Lewes Creek, from the Town of Lewes to the Cape side of said Creek, in the County of Sussex," which, on motion, was read.

The same member also presented the report of the Auditor, dated January 20th, 1791, with the amendment proposed thereto by the House of Assembly, adhered to by that House, and the following resolution, viz:

IN THE HOUSE OF ASSEMBLY,
FRIDAY, P. M., January 28th, 1791.

Resolved, That it is the opinion of this General Assembly that the Constitution of the Delaware State should be revised, amended, and altered, according to the mode prescribed by the Constitution; that such revision shall be the duty of the next General Assembly; and that this resolution be published for the consideration of the good people of this State.

Ordered, That a copy of the above resolution be sent to the Council for consideration and concurrence.

JAS. BOOTH, *Cl'k of Assembly*.

In Council, read and disagreed to.

Mr. Hayes was admitted and delivered several engrossed bills, signed by the Speaker of the House of Assembly.

On motion,

Ordered, That the Speaker proceed to sign the engrossed bills passed this session.

On motion, The bill entitled "A supplement to an act entitled 'An act for erecting a bridge and causeway over Lewes Creek from the Town of Lewes to the Cape side of said Creek, in the County of Sussex,'" was read a second time.

By special order, the same was read a third time by paragraphs, and passed.

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Ordered, That the said bill be returned to the House of Assembly, which was done accordingly.

The Hon. Alexander Porter, Esq., delivered to Council his resignation of the office of Judge of the Court of Appeals for the Delaware State, which was, by order, read and accepted.

Resolved, That the State Treasurer be directed to purchase one hundred tickets in the lottery for finishing the Court House in the town of Dover, for the use of the State, which tickets shall be delivered to the Auditor before the drawing of said lottery, he giving a receipt for the same to the State Treasurer, specifying the number of each ticket, and the Auditor shall enter the same, with their several numbers, on the book of his office.

Sent for concurrence.

Council allowed the following accounts:

To the Honorable Alexander Porter, Esq., for 27 days' attendance and mileage,	£	26	4 0
To Gunning Bedford, Esq., for 21 days' attendance and mileage,		15	2 0
To Thomas Kean, Esq., for 10 days' attendance and mileage,		8	17 0
To John Baning, Esq., for 25 days' attendance,		15	0 0
To Nicholas Ridgely, Esq., for 25 days' attendance,		15	0 0
To John Gordon, Esq., for 25 days' attendance,		15	0 0
To George Mitchell, Esq., for 6 days' attendance and mileage,		6	6 0
To Isaac Cooper, Esq., for 27 days' attendance and mileage,		18	14 0
To Rhoads Shankland, Esq., for 21 days' attendance and mileage,		14	17 0
To Charles Nixon, for 25 days' attendance as Secretary, and engrossing,		25	12 9
To Thomas Wilds, for 25 days' attendance as Sergeant-at-Arms and Doorkeeper,		6	5 0
To Elizabeth Battell, for the use of the Council Chamber,		15	0 0
	£	181	17 9

On motion,

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Resolved, That orders be drawn on the State Treasurer for the above sums, and that the same be signed by the Speaker.

Whereupon orders were drawn and signed accordingly.

Mr. Cannon, a member of Assembly, was admitted and returned the resolution authorizing the State Treasurer to purchase tickets in the lottery for the use of the State, with the following amendment proposed, viz:

"Provided a sum not exceeding £150 be paid for the same;" to be inserted after the word 'State,' in line third."

Which amendment was read and acceded to.

On motion, Council proceeded to consider the amendment proposed to the Auditor's Report of the 20th January, 1791, and having receded from their proposed amendment, do concur in the following amendment proposed thereto by the House of Assembly, viz:

Dele the last line of the report and instead thereof insert "sixty pounds."

Ordered, That the Secretary return the said report, with the amendment acceded to, to the House of Assembly; which he did accordingly.

Mr. Oliver, a member of Assembly, was admitted and delivered the following resolution:

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following act, viz:*

Council adjourned to 20th October next.

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*According to the manuscript.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

SPECIAL SESSION, SEPTEMBER, 1791.

MONDAY, 5th September, 1791.

Council met pursuant to the summons of the President of the State. A quorum not attending, adjourned to Tuesday, 6th, P. M.

TUESDAY, 6th, P. M.

Council assembled. Present, Mr. Mitchell, Speaker, Mr. Kean, Mr. Ridgely, Mr. Gordon, Mr. Shankland, and Mr. Cooper.

The Secretary of State presented the following message from his Excellency, the President, viz:

Gentlemen of the General Assembly:

A majority of the House of Assembly of this State having, by several address, represented to me that a speedy meeting of the Legislature would be productive of beneficial effects to the good people of this State, and requested the Legislature to be convened on the fifth instant, I did, therefore, on the eighteenth day of August last, issue writs of summons for that purpose, and as I have no public business which requires your immediate attention, I have directed the Secretary to lay before you those addresses and such of the writs as have been returned to me.

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The Secretary will also deliver your honors a collection of the laws passed at the third session of Congress, and the journals of the Senate during the second session, and of the House of Representatives during the third session. J. CLAYTON.

Dover, Sept, 6, 1791.

On motion, the above message, together with the addresses and writs therein referred to, were read.

Council adjourned to 10 o'clock to-morrow.

WEDNESDAY, 7th, P. M.

Council assembled. Present as yesterday.

A petition, signed by ten persons residing in the County of Sussex, praying that a convention may be chosen, at the next general election, for the purpose of revising and amending the Constitution, or for framing a new one in its stead, was presented to the Chair, and, on motion, read.

Mr. Grantham, a member of Assembly, was admitted and delivered to the Chair the following resolutions, viz:

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
WEDNESDAY, A. M., September 7th, 1791.

1. *Resolved* unanimously, That, in the opinion of this House, alterations and amendments of the Constitution of this State are necessary; and that the same should be revised in such manner as may be best adapted to the end proposed.

And whereas governments are instituted for securing the unalienable rights of man, and the protection of individuals in the enjoyment of life, liberty, and property; and all government originates from the people, is founded in compact only, and intended solely for the good of the whole: and whereas it is expressly declared by our own Bill of Rights, "That whenever the ends of government are perverted, and public liberty manifestly

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endangered, the people may, and of right ought, to establish a new, or reform the old government," from which, as well as from the nature of society, and the principles of government, it appears that the people have, at all times, an inherent right to alter and amend the form of government, in such manner as may appear to them best adapted to the end proposed; and whereas it has been found from experience, that the great and important ends of government are not effected by our present form of government, and that the general departments thereof are so blended together, and improperly arranged, as to prevent an impartial, beneficial, and energetic operation; and whereas the burdens and expenses of government are with difficulty borne, and in some instances the present form is contradictory to the constitution of the United States, which every member of the Legislature and all Executive and Judicial officers must be bound by oath or affirmation to support; and whereas, by the thirtieth article of the constitution of this State, the power of revising the same, and of altering and amending certain parts thereof, is vested in the General Assembly; and it appears to this House, that the exercise of the power of altering and amending the constitution by the Legislature would not be productive of all the valuable purposes intended by a revision, nor be so satisfactory and agreeable to our constituents; and that it would be more proper and expedient to recommend to the good people of this State to choose deputies for this special purpose, to meet in convention, it is therefore further

2. *Resolved*, That it be recommended to the good people of the several Counties of this State to choose a suitable number of deputies, to meet in convention, for the purpose of revising, altering and amending the Constitution of this State; or, if they see occasion, for forming a new one instead thereof.

3. *Resolved, also*, That it is the opinion of this House, that the said Convention consist of the number of thirty persons; that is to say: ten for the County of New Castle, ten for the County of Kent, and ten for the County of Sussex; and be chosen on the first day of October next, in the same manner, by the same persons, at the same places, and under the same regulations, as are directed and appointed by the Election Laws of this State; save that the names of the persons to be elected deputies shall be written on pieces of paper separate from those containing the legislative represenatives and officers then to be elected, and put

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into separate boxes; and that the returns should be made to the convention so choosen; and that the said convention should meet on Tuesday, the twenty-ninth day of November next, at the Town of Dover.

4. *Resolved*, That it be and it is hereby recommended to the succeeding House of Assembly to provide by law for the expenses incurred by the said election and convention.

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

On motion, the above and foregoing resolutions were read, and five amendments, being proposed, were agreed to.

Mr. Batson, a member of the House of Assembly, was admitted and presented a petition from Francis McMullan, together with a bill entitled "An act for enabling Francis McMullan and his issue to take and use the surname of Gardner, pursuant to the last will and testament of James Gardner, deceased," passed by the House of Assembly, sent for concurrence; which bill was, on motion, read.

Mr. Cannon, a member of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, September 7th, 1791.

Resolved, That the President of the State be, and he hereby is required and empowered to demand and receive of any officer or officers of this State any certificates or public securities that have or may come to his or their hands, on or before the last day of this month; and if it shall appear to the President to be proper and expedient that the same, or any part thereof, ought to be subscribed to the loan of the United States, to take such order therein as to him may seem most beneficial to the State.

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k Assembly.*

On motion the above resolution was read, considered, and agreed to.

Council adjourned to 10 o'clock to-morrow.

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THURSDAY, 8th September, 1791, A. M.

Council assembled. Present as yesterday.

The Secretary, by order, returned to the House of Assembly the resolution respecting the public securities, concurred in by Council, and also the resolutions for altering the Constitution, with the amendments proposed thereto by the Council.

On motion, by special order,

The bill entitled "An act for enabling Francis McMullan and his issue to take and use the surname of Gardner, pursuant to the last will and testament of James Gardner, deceased," was read a second time, by paragraphs, and passed Council.

Ordered, That the said bill be returned to the House of Assembly.

By order, the Speaker signed a writ directed to the Sheriff of New Castle County, authorizing and requiring him to hold an election for a member of the Legislative Council in the room and stead of Alexander Porter, Esquire, who hath accepted his appointment of fourth Justice in the Court of Common Pleas in said County; and a writ directed to the Sheriff of Kent County, authorizing and requiring him to hold an election for a member of the Legislative Council in the room of John Baning, Esquire, deceased.

Ordered, That the Secretary forward the said writs to the respective Sheriffs forthwith.

Council adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council assembled.

Mr. Truitt, a member of Assembly, was admitted and returned the resolution for altering the Constitution, with three of the amendments proposed by Council acceded to, a fourth in part

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acceded to, and the fifth disagreed to, with two amendments proposed thereto by the House of Assembly; which were, on motion, read.

On motion,

Resolved, That Council do adhere to their amendments proposed to the above resolutions, and disagree to those proposed by the House of Assembly.

Ordered, That the same be returned to the House of Assembly by the Secretary; which was done accordingly.

Mr. Oliver, a member of Assembly, was admitted and returned the resolutions for altering the Constitution, with a further amendment proposed thereto by the House of Assembly. They agree to the 5th amendment, proposed by Council, and adhere to their disagreement in part to the 4th amendment proposed by Council, and recede from one of their first proposed amendments.

The said resolution and amendments were, by order, read, and the amendment proposed by the House of Assembly was disagreed to by Council and their proposed amendments adhered to.

Ordered, That the same be returned to the House of Assembly by the Secretary; which was done accordingly.

Mr. Batson, a member of Assembly, was admitted and returned the bill entitled "An act for enabling Francis McMullan and his issue to take and use the surname of Gardner, pursuant to the last will and testament of James Gardner, deceased," signed by the Speaker of the House of Assembly.

On motion, the said bill was signed by the Speaker of Council, and the resolution of the House of Assembly for affixing the Great Seal thereto agreed to.

Resolved, That Charles Nixon, the present Clerk of Council, procure, at the expense of the public, one and a half dozen of armed chairs, and a writing desk, and two small tables, fitting for the accommodation of Council; and that the Speaker draw an order on the State Treasurer for the amount thereof when purchased.

Council allowed the following accounts:

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To the Honorable George Mitchell, Esq., Speaker, for 6 days' attendance and mileage, ...	£	8	2 0
To Thomas Kean, Esq., for 6 days' attendance and mileage, ...		6	7 0
To Nicholas Ridgely, Esq., for 4 days' attendance, .		2	8 0
To John Gordon, Esq., for 4 day's attendance, . . .		2	8 0
To Rhoads Shankland, Esq., for 5 days' attendance and mileage, ...		5	5 0
To Isaac Cooper, Esq., for 5 days' attendance and mileage, ...		5	10 0
To Charles Nixon, for 4 days' attendance as Clerk, .		2	10 0
To Thomas Wilds, for 4 days' attendance as Door-keeper, ...		2	5 0
	£	34	15 0

On motion,

Resolved, That orders be drawn on the State Treasurer for the foregoing sums, and that the same be signed by the Speaker.

Whereupon orders were drawn and signed accordingly.

Mr. Truitt, a member of Assembly, was admitted and presented an account of David Harper, for the sum of three pounds, for summoning the General Assembly, allowed by the House of Assembly; which was, on motion, read and agreed to.

On motion,

Resolved, That the Speakers of both Houses draw their order on the State Treasurer, in favor of David Harper, for the sum of three pounds.

Sent for concurrence.

Mr. Truitt, a member of Assembly, was admitted and returned the resolutions for altering the Constitution, with all the amendments proposed by Council acceded to by the House of Assembly; which resolutions are as follows:

IN THE GENERAL ASSEMBLY OF THE DELAWARE STATE,
THURSDAY, September 8th, 1791.

1. *Resolved unanimously*, That, in the opinion of this General Assembly, alterations and amendments of the Constitution of this

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State are necessary, and that the same should be revised in such manner as may be best adapted to the end proposed.

And whereas governments are instituted for securing the unalienable rights of man, and the protection of individuals in the enjoyment of life, liberty, and property, and all government originates from the people, is founded in compact only, and intended solely for the good of the whole; and whereas it is expressly declared by our own Bill of Rights, "That whenever the ends of government are perverted, and public liberty manifestly endangered, the people may, and of right ought, to establish a new, or reform the old government," from which, as well as from the nature of society and the principles of government, it appears that the people have at all times an inherent right to alter and amend the form of government in such manner as may appear to them best adapted to the end proposed; and whereas it has been found, from experience, that the great and important ends of government are not effected by our present form of government, and that the general departments thereof are so blended together and improperly arranged as to prevent an impartial, beneficial and energetic operation; and whereas the burdens and expenses of government are with difficulty borne, and in some instances the present form is contradictory to the Constitution of the United States, which every member of the Legislature and all Executive and Judicial officers must be bound by oath or affirmation to support; and whereas, by the Thirtieth Article of the Constitution of this State the power of revising the same, and of altering and amending certain parts thereof, is vested in the General Assembly; and it appears to this General Assembly that the exercise of the power of altering and amending the Constitution by the Legislature would not be productive of all the valuable purposes intended by a revision, nor be so satisfactory and agreeable to our constituents; and that it would be more proper and expedient to recommend to the good people of this State to choose deputies for this special purpose, to meet in convention, it is therefore further

2. *Resolved*, That it be recommended to the good people of the several Counties in this State to choose a suitable number of deputies, to meet in convention, for the purpose of revising, altering and amending the Constitution of this State; or, if they see occasion, for forming a new one instead thereof.

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3. *Resolved, also*, That it is the opinion of this General Assembly that the said Convention consist of the number of thirty persons; that is to say: ten for the County of New Castle, ten for the County of Kent, and ten for the County of Sussex; and be chosen on the first day of October next, in the same manner, by the same persons, at the same places, and under the same regulations, as are directed and appointed by the election laws of this State; save that any free white citizen of this State, of the age of twenty-one years and upwards, shall be eligible to a seat in the said Convention, and that the returns should be made to the Convention so chosen; and that the said Convention should meet on Tuesday, the twenty-ninth day of November next, at the Town of Dover.

4. *Resolved*, That the members and officers of the said Convention shall be entitled to receive the like wages as are now paid to the members and officers of the General Assembly; and that the presiding member of the said Convention draw his order on the Treasurer of the State for such wages in favor of the respective members and officers of said Convention.

5. *Resolved*, That the several Sheriffs of the State be furnished with a copy of these resolutions by the President, certified by the Clerk of each House; and that the said Sheriffs, or other officers who may hold the said elections, do give public notice, as soon as conveniently may be, by twenty advertisements at least, set up in the most public places in each county, of the said election of a Convention, and that the said Clerks furnish the President with said copies.

Council adjourned to the 20th day of October next.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a session commenced at Dover, on the twentieth day of October, in the year of our Lord one thousand seven hundred and ninety-one, divers of the members met, but the number not being a quorum, they adjourned to Monday, the twenty-fourth instant.

MONDAY, October 24th, 1791, P. M.

The following members of Council appeared and took their seats, viz: Mr. Alexander, Mr. Tilton, Mr. Gordon, Mr. Raymond, Mr. Mitchell, and Mr. Shankland.

The return of the Sheriff and Inspectors of the County of New Castle of the election of a Councillor to fill the seat of Alexander Porter, Esquire, who hath been appointed fourth Justice of the Court of Common Pleas for said County, and of the election of a Councillor to fill the seat of Gunning Bedford, Esquire, which became vacant by rotation, being laid on the table and read, it appears that Nehemiah Tilton, Esquire, was duly elected in lieu of Alexander Porter, Esquire, and that Archibald Alexander, Esquire, was duly elected in lieu of Gunning Bedford, Esquire, members of the Council for the said County, according to the Constitution and Laws of the Delaware State.

The return of the Sheriff and Inspectors of the County of Kent of the election of a Councillor to fill the vacancy occasioned by the death of John Baning, Esquire, and of the election of a

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Councillor to fill the seat of Nicholas Ridgely, Esquire, which became vacant by rotation, being laid on the table and read, it appears that Fenwick Fisher, Esquire, was duly elected in lieu of John Baning, Esquire, deceased, and that James Raymond, Esquire, was duly elected in lieu of Nicholas Ridgely, Esquire, members of the Council for the said County, according to the Constitution and Laws of the Delaware State.

The return of the Sheriff and Inspectors of the County of Sussex of the election of a Councillor to fill the seat of George Mitchell, Esquire, which became vacant by rotation on the 1st October instant, being laid on the table and read, it appears that George Mitchell, Esquire, was reëlected a member of the Council for the said County, according to the Constitution and Laws of the Delaware State.

Council proceeded to the choice of a Speaker, and the Honorable George Mitchell, Esquire, was unanimously elected.

The Speaker, in the Chair, took the oath prescribed by the Constitution, and subscribed the declaration of faith therein required, and Archibald Alexander, Nehemiah Tilton, and James Raymond, Esquires, took the said oath and subscribed the said declaration. [*See note on page 10.*]

The Speaker presented a letter from the Honorable John Dickinson, Esquire, inclosing the following resignation, viz:

"I, John Dickinson, hereby resign my commission of Judge in the Court of Appeals for the Delaware State."

Which resignation was, on motion, accepted.

On motion, by order,

The rules to be observed by the members of Council, made and agreed to in the year 1776, with an additional one, made and agreed to in 1786, were read and adopted as the rules to be observed during the present sitting of Council.

Council adjourned to 10 o'clock to-morrow.

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TUESDAY, October 25th, 1791, A. M.

Council assembled. Present as yesterday.

Mr. McKennan, a member of the House of Assembly, was admitted and presented to the Chair the following report, viz:

The Commissioner appointed to state and support the claim of this State against the Union, begs leave to report: That after two preparatory journeys to Philapelphia, he entered on the business of his mission in the month of June last, and on the 24th day of the same month exhibited a claim, amounting to 3,261,044$\frac{18}{90}$ dollars, of old emissions, and 380,228.90⅓ dollars, of specie, to the Board of Commissioners appointed by Congress; that the Board estimated the old emission payments to be equal to 100,000 dollars, and supposed that two-thirds of the sum might be allowed for interest, making the whole, on a rough calculation, to amount to 800,000 specie dollars.

The Commissioner made sundry other claims by way of a general saving, and informed the Board that he would hold himself in readiness to support the claims of the State by the best proofs in his power; that in doing this reference would be made, in some cases, to the laws and journals of the Legislature, and to the public books of the State. And he expressed his hopes that great indulgence would be shown the State in consequence of the loss of papers captured by the enemy.

The Commissioner has applied since to the Board, both by writing and in person, to know when he shall attend to finish the business, and was informed that those attending from distant States ought to be dispatched first, and that notice should be given him in case it was necessary for him to attend to substantiate any part of the claim of Delaware.

Dover, October 24th, 1791. ELEAZER McCOMB.

Mr. McKennan also presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, Oct. 25th, 1791.

On motion,

Resolved, That it is the intention of this House to conclude the present session this evening by adjourning to a distant day,

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and that a copy of this resolution be sent to the Council for their information.

Extract from the minutes.

JAS. BOOTH, *Cl'k of Assembly.*

The foregoing report and resolution were, on motion, read.

Council adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council assembled.

Mr. Many, a member of Assembly, was admitted and presented to the Chair a bill entitled "A supplement to an act entitled 'An act for raising the sum of one thousand pounds, by a lottery, for the use of the State, and for other purposes,'" passed by the House of Assembly and sent for concurrence.

On motion, the said bill was read.

Mr. Batson, a member of Assembly, was admitted and presented to the Chair a bill entitled "A supplement to an act entitled 'An act for removing the Seat of Justice from Lewes to a more central part of Sussex County, and for other purposes,'" passed by the House of Assembly and sent for concurrence.

On motion, the said bill was read.

Mr. Evans, a member of Assembly, was admitted and presented to the Chair a bill entitled "An act to enable Risdon Bishop, of the County of Kent, to bring certain slaves into this State," passed by the House of Assembly and sent for concurrence.

On motion, the said bill was read.

On motion, the bill entitled "A supplement to an act entitled "An act for raising the sum of one thousand pounds, by lottery, for the use of the State, and for other purposes,'" was read a second time.

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On motion, the bill entitled "A supplement to an act entitled 'An act for removing the Seat of Justice from Lewes to a more central part of Sussex County, and for other purposes,'" was read a second time.

On motion, the bill entitled "An act to enable Risdon Bishop, of the County of Kent, to bring certain slaves into this State," was read a second time.

On motion, the said bill was read a third time by paragraphs and passed Council.

Ordered, That said bill be returned to the House of Assembly by the Secretary; which was done accordingly.

Council adjourned to 9 o'clock to-morrow.

WEDNESDAY, October 26th, 1791, A. M.

Council assembled. Present as yesterday.

On motion, the bill entitled "A supplement to an act entitled 'An act for raising the sum of one thousand pounds, by a lottery, for the use of this State, and for other purposes,'" was read a third time, by paragraphs, and an amendment being proposed and agreed to, passed Council.

Ordered, That the said bill, with the amendments proposed, be returned, by the Secretary, to the House of Assembly for their concurrence; which was done accordingly.

On motion, the bill entitled "A supplement to an act entitled 'An act for removing the Seat of Justice from Lewes to a more central part of Sussex County, and for other purposes,'" was read a third time by paragraphs and passed Council.

Ordered, That the said bill be returned to the House of Assembly by the Secretary; which was done accordingly.

Mr. Batson, a member of Assembly, was admitted and returned the bill entitled "A supplement to an act entitled 'An act

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for raising the sum of one thousand pounds, by a lottery, for the use of the State, and for other purposes,' " with the amendments proposed by Council disagreed to, and a further amendment proposed by the House of Assembly; which was, on motion, read, and the amendment proposed by Council adhered to, and the amendment proposed by the House of Assembly disagreed to.

Ordered, That the said bill be returned by the Secretary; which was accordingly done.

Council adjourned to 3 o'clock.

EODEM DIE, P. M., 26th October, 1791.

Council assembled.

On motion,

Resolved, That John Gordon, Esq., be requested to furnish the Council Chamber, in the Court House, at Dover, with such things as he may think necessary for the accommodation of Council, and that he exhibit his account to Council, at their next meeting, for his expenditures in the same, which shall be allowed him.

Ordered, That the Clerk of Council furnish the said John Gordon, Esq., with a copy of this resolution.

Council made the following allowances:

To the Honorable George Mitchell, Esq., Speaker, for 5 days' attendance and mileage, ...	£	7	0 0
To Archibald Alexander, Esq., for 5 days' attendance and mileage, ...		5	5 0
To Nehemiah Tilton, Esq., for 5 days' attendance and mileage, ...		5	10 0
To John Gordon, Esq., for 7 days' attendance, . . .		4	4 0
To James Raymond, Esq., for 5 days and mileage, .		4	2 0
Carried forward, ...	£	26	1 0

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	£		
Brought over, ...	£ 26	1	0
To Rhoads Shankland, Esq., for 5 days' attendance and mileage, ...	5	5	0
To Charles Nixon, for 7 days' attendance as Clerk and for paper, ...	4	10	6
To Thomas Wild, for 7 days' attendance as Door-keeper and bell-ringer, ...	3	19	3
To James Coleman, for making a writing desk for Council Chamber, ...	11	5	0
To Christopher Horton, for 18 armed chairs, ...	10	2	6
	£61	3	3

On motion,

Resolved, That orders be drawn on the State Treasurer for the foregoing sums, and that the same be signed by the Speaker.

Whereupon orders were drawn and signed accordingly.

Mr. Robinson, a member of the House of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, October 26, 1791.

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following acts, viz:

1. "A supplement to an act entitled 'An act for removing the Seat of Justice from Lewes to a more central part of Sussex County, and for other purposes;' "

2. "A supplement to an act entitled 'An act for raising the sum of one thousand pounds, by a lottery, for the use of this State, and for other purposes;' "

3. "An act to enable Risdon Bishop, of the County of Kent, to bring certain slaves into this State."

Sent for concurrence. JAS. BOOTH,

Extract from the minutes. *Cl'k of Assembly.*

On motion, the above resolution was read and concurred in.

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Mr. Robinson also delivered the acts above mentioned, signed by the Speaker of the House of Assembly, which, being compared with the originals, on motion, ordered that the same be signed by the Speaker of Council; which was done accordingly.

Council adjourned to the first Tuesday in January next.

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MINUTES OF COUNCIL.

1792.

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MEMBERS' NAMES.

FOR NEW CASTLE COUNTY:

THOMAS KEAN, NEHEMIAH TILTON,
ARCHIBALD ALEXANDER.

FOR KENT COUNTY:

FENWICK FISHER, JAMES RAYMOND.
(Vacancy, by the death of John Gordon.)

FOR SUSSEX COUNTY:

GEORGE MITCHELL, *Speaker*, RHOADS SHANKLAND,
ISAAC COOPER.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1792.

At a meeting of the Council, at Dover, on the 3d day of January, 1792, the number of members sufficient to constitute a quorum not appearing, they adjourned from day to day until Wednesday, the eleventh day of January, instant.

WEDNESDAY, 11th January, 1792.

Council assembled. Present, the Honorable George Mitchell, Esq., Speaker; Mr. Tilton, Mr. Alexander, Mr. Raymond, Mr. Shankland, and Mr. Cooper.

Adjourned to 10 o'clock to-morrow.

THURSDAY, 12th January, 1792.

Council assembled. Present as yesterday.

On motion of Mr. Tilton, seconded by Mr. Raymond, that the bill entitled "A supplement to the execution law," which had lain on the files of Council since October, 1790, be now taken up

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and referred to a committee of three to report thereon, it was determined in the affirmative.

The committee appointed are Mr. Tilton, Mr. Cooper, and Mr. Alexander.

Adjourned to 3 o'clock this afternoon.

THURSDAY, January 12th, 1792, P. M.

Council assembled.

The Speaker laid on the table a letter from the Auditor, informing Council that his indisposition prevented his attendance, which was, by order, read.

Adjourned to ten o'clock to-morrow.

FRIDAY, January 13th, 1792, A. M.

Council assembled. Present as yesterday.

Adjourned to 3 o'clock.

FRIDAY, January 13th, 1792, P. M.

Council assembled.

On motion,

Ordered, That Nehemiah Tilton, Esquire, be and he is hereby appointed, instead of Nicholas Ridgely, Esquire, heretofore appointed for that purpose, whose time as a member of Council has since expired, to take effectual measures, with the assistance of Charles Nixon, to have fifty copies of the votes and proceedings

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of Council, together with the rules established by Council prefixed thereto, printed, from October, 1788, to the present session, inclusive.

The committee to whom was referred the bill entitled "A supplement to an act for taking lands in execution," presented the following report, viz:

"That the existing laws of this State and the practice and usage of the Courts are competent to all the purposes intended to be remedied by said act. We are therefore of opinion the said supplementary act ought to be rejected by Council."

On motion, the above report was read and agreed to.

On motion,

Resolved, That Mr. Tilton, Mr. Raymond, and Mr. Cooper be a committee to prepare and bring in a bill to revise the act entitled "An act supplementary to the act entitled 'An act for the more easy and speedy recovery of small debts,' passed the 5th February, 1785."

Mr. McKennan, a member of Assembly, was admitted and delivered the following resolution:

IN THE HOUSE OF ASSEMBLY, January 12th, 1792, P. M.

On motion,

Resolved, That a Joint Committee of both Houses be appointed to confer on the business relating to the Auditor of Accounts of this State, in order to devise the best means to procure to the Legislature such information as may be considered expedient, and likewise to procure the books of the State Treasurer.

The members appointed on the part of this House are Mr. McKennan and Mr. Barker.

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

On motion, the above resolution was read and concurred in.

The members appointed on the part of Council are Mr. Alexander and Mr. Shankland.

Adjourned to 10 o'clock to-morrow.

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SATURDAY, January 14th, 1792, A. M.

Council assembled. Present as yesterday.

Mr. Robinson, a member of Assembly, was admitted and presented to the Chair a bill entitled "A supplementary act to an act entitled 'An act to enable the owners and possessors of the marsh meadow on the southwest side of Christiana river, in New Castle County, to keep the banks, dams and sluices in good and sufficient order and repair,' " passed by the House of Assembly and sent for concurrence; which was, on motion, read and referred to Mr. Raymond and Mr. Alexander, to report thereon.

Mr. Raymond applied for leave of absence till Monday next, which was granted.

Adjourned to 3 o'clock this afternoon.

SATURDAY, January 14th, 1792, P. M.

Council assembled. Mr. Raymond absent.

Mr. Truitt, a member of Assembly, was admitted and presented to the Chair a petition, signed by Jonas Stedham, Job Harvey, Peter Jacquet, Sen., Jesse Jacquet, and Peter Jacquet, Jun., praying the Legislature to pass a supplementary act to an act entitled "An act to enable the owners and possessors of the marsh meadow on the southwest side of Christiana river, in New Castle County, to keep the banks, dams and sluices in good and sufficient order and repair," together with several papers relative thereto; which were, by order, read and referred to the committee this morning appointed on that business.

The committee appointed yesterday to confer with a committee of the House of Assembly, presented their report, which was, by order, read, and is as follows, viz:

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The Joint Committee of both Houses, appointed to confer on the best mode of obtaining a statement of the public accounts of the State, as well as to devise a plan for having the books of the late Treasurer lodged with the present Treasurer, beg leave to report, as their opinion, that for effecting the above purposes a letter, addressed from the Speakers of both Houses, be sent to the Auditor of this State, requiring his immediate attendance, or, if sickness or other causes should prevent his personal attendance, then, in that case, a statement of the public accounts should be made out and forwarded by him, without loss of time, or furnish the Houses with his books. And as your committee have understood that the books of the late Treasurer are at this time in Philadelphia, they therefore are of opinion that the Speakers of the two Houses should, by letter, call on the executors of the late Treasurer, desiring that the books of the late Treasurer should be immediately obtained and lodged by them with the present Treasurer of the State.

Signed by the Committee of Council,

ARCHB'D ALEXANDER,
RHOADS SHANKLAND.

Signed by the Committee of the House of Assembly,

WM. McKENNAN,
JOS. BARKER.

On motion, the foregoing report was agreed to.

Mr. Hollingsworth, a member of Assembly, was admitted and presented the following proposed amendment to the report of the joint committee, viz:

IN THE HOUSE OF ASSEMBLY, A. M., Jan. 13th, 1792.

Resolved, That the Auditor of this State be requested and directed to make his immediate attendance before this House and show cause why he has not complied with the resolution entered into by this House at their last October session, and that the Sergeant-at-Arms be requested to wait on him with the above resolution, and in case of sickness, to forward his books and papers for the inspection of the Legislature forthwith.

And that the executors of the late State Treasurer be requested to deliver up, within six days after being notified, to

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the present State Treasurer, all the books and papers of the said office, whole, entire, and undefaced, and that notice of this resolution be given to the said executors.

The House of Assembly propose the above as an amendment to the report of the joint committee of both Houses, to begin after "their opinion." *Dele* all the after clauses and insert the above.

Extract from the minutes. For JAMES BOOTH,
F. MANY, *C.*

On motion, the foregoing resolution was read and unanimously rejected.

Ordered, That Mr. Alexander wait on the House of Assembly and return the said resolution and report of the joint committee; which he did accordingly.

Council adjourned to 10 o'clock on Monday.

MONDAY, January 16th, 1792, P. M.

Council assembled. Present as on Saturday morning.

Adjourned to 10 o'clock to-morrow.

TUESDAY, January 17th, 1792.

Council assembled. Present as yesterday.

The Speaker laid upon the table the following resolution of the House of Assembly, handed to him by Mr. McKennan, a member of that House:

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IN THE HOUSE OF ASSEMBLY, January 17th, 1792.

Resolved, That the Sergeant-at-Arms be directed to put in order the office at the southeast corner of the State House to receive the books, &c., of the Auditor of Accounts of this State.

Extract from the minutes. FRANCIS MANY, for

Sent for concurrence. JAS. BOOTH, *Cl'k.*

On motion, the foregoing resolution was read and unanimously disagreed to.

On motion, the following resolution was entered into:

Resolved, That the Auditor of Accounts be desired to call on the Commissioners appointed by the Levy Court of Kent County for building a new Court House in Dover, in said county, and request them to put him in the possession of the office at the southeast corner of said Court House, appropriated to and for the sole use and accommodation of the General Assembly by a law passed at Dover the twenty-ninth day of January, one thousand seven hundred and ninety-one, and that the said office shall be used and occupied by the Auditor of Accounts, and in such other manner as shall hereafter be directed by the General Assembly.

Resolved, That the Auditor of Accounts be furnished with a copy of the foregoing resolution.

Ordered, That Mr. Shankland wait on the House of Assembly with the foregoing resolutions, for their concurrence; which he did accordingly.

A petition from Margaret North was presented and read, praying Council to concur with the House of Assembly in granting a sum of money which had been reported by the Auditor to be due to her.

Adjourned to 10 o'clock to-morrow.

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WEDNESDAY, January 18th, 1792, A. M.

Council assembled. Present as yesterday.

On motion,

Ordered, That Mr. Alexander and Mr. Raymond be a committee to take into consideration the petition of Margaret North, which was presented and read yesterday, and to report thereon.

Adjourned to 10 o'clock to-morrow.

THURSDAY, January 19th, 1792, A. M.

Council assembled. Present as yesterday.

Mr. McKennan, a member of Assembly, was admitted and presented to the Chair a petition from the Trustees of the Poor of New Castle County and a bill entitled "A supplementary act to an act entitled 'An act for the better relief of the Poor,' passed the 29th day of January, 1791," passed by the House of Assembly and sent for concurrence. Which petition and bill were, on motion, read.

The committee appointed to bring in a bill to revive the act entitled "An act supplementary to the act entitled 'An act for the more easy and speedy recovery of small debts,' passed the 5th February, 1785," reported a bill entitled "An act for the more easy and speedy recovery of small debts," which was, on motion, read.

Agreeable to leave granted, Mr. Raymond laid on the table a bill entitled "An act to authorize Ann Ridgely and Nicholas Ridgely, executors of Charles Ridgely, Esquire, deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County;" which was, on motion, read.

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On motion, the petition from the Trustees of the Poor of New Castle County, together with the bill entitled "A supplementary act to an act entitled 'An act for the better relief of the Poor,' passed the 29th day of January, 1791," was committed to Mr. Tilton, Mr. Alexander, and Mr. Raymond, to report thereon.

Adjourned to 3 o'clock this afternoon.

THURSDAY, January 19th, 1792, P. M.

Council assembled.

On motion, by special order, the bill entitled "An act for the more easy and speedy recovery of small debts," was read a second time by paragraphs, and passed Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill for their concurrence.

Mr. Many, a member of Assembly, was admitted and presented to the Chair the following message from the President, together with the several letters and papers therein mentioned:

Gentlemen of the General Assembly:

The Secretary will lay before you a copy of additional treaties, index, and errata to complete the sets of the acts passed the first, second, and third sessions of Congress; also duly authenticated copies of "An act granting further time for making a return of the enumeration of the inhabitants in the District of South Carolina;" of "An act for the relief of David Cook and Thomas Campbell;" of "An act for making appropriations for the support of Government for the year 1792;" also a printed "Return of the enumeration of the inhabitants of the United States;" a letter from his Excellency, Charles Pinckney, Governor of the State of South Carolina, with a letter from the Secretary of that State, inclosing a list of books and papers belonging to the Delaware State, contained in a box in the said Secretary's office; a letter from the Honorable Thomas McKean and Edmund Phy-

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sick, attorneys-in-fact of the Honorable John Penn and Jno. Penn of the kingdom of Great Britain, and late proprietors of the Counties of New Castle, Kent, and Sussex, informing that the said attorneys-in-fact are authorized to remit all alienation fines that were in arrears on the 2d day of September, 1775, and to make composition and agreement respecting the quit rents and other rents, issues, and profits, and the remaining alienation fines now due to the said proprietors, or either of them, according to circumstances, and proposing to sell to the Government all the estate, rights and titles of the said proprietors in and to this State.

The office of Treasurer of this State having become vacant by the death of John Gordon, the late Treasurer, I did, on the 5th day of December last, by and with the approbation of the Privy Council, constitute and appoint Francis Many, the Treasurer of this State, to hold and enjoy that office until the Legislature should take order in the premises.

Dover, January, 1792. J. CLAYTON.

Council adjourned to 10 o'clock to-morrow.

FRIDAY, January 20th, 1792, A. M.

Council assembled. Present as yesterday.

Mr. McKennan, a member of the House of Assembly, was admitted and presented to the Chair the following resolution, which was, by order, read, viz:

IN THE HOUSE OF ASSEMBLY, January 20th, 1792.

Whereas it appears, by a report from the Auditor, that there are a number of balances which stand open in the public books, in old emissions of Continental money, therefore

Resolved, That the Auditor be directed to liquidate all such balances to specie value at the rate of one hundred for one

An extract from the minutes. FRANCIS MANY, fo.

Sent for concurrence. JAMES BOOTH, *Cl'k.*

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The same member also delivered the following resolution:

IN THE HOUSE OF ASSEMBLY, January 20th, 1792.

Resolved, That the President of this State shall be requested to take such measures as he shall conceive most effectual for procuring sundry books and papers, the property of this State, as well as sundry books and papers, the property of Samuel Patterson, deceased, now in the State of South Carolina; and that the President draw an order on the State Treasurer for the necessary expenses for procuring the same.

An extract from the minutes. FRANCIS MANY, for
Sent for concurrence. JAMES BOOTH, *Cl'k.*

On motion, the last mentioned resolution was read, considered and agreed to.

On motion, the President's Message, together with the letters and papers therein mentioned, were read.

Adjourned to 3 o'clock this afternoon.

FRIDAY, January 20th, 1792, P. M.

Council assembled.

Mr. Rogers, a member of the House of Assembly, was admitted and presented to the Chair a bill entitled "An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle," passed by the House of Assembly and sent for concurrence. Which bill was, on motion, read.

On motion, by special order,

The bill entitled "An act to authorize Ann Ridgely and Nicholas Ridgely, the executors of Charles Ridgely, Esq., deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County," was read a second time by paragraphs and passed Council.

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Mr. Alexander presented to the Chair a petition, signed by a number of the inhabitants of the Town of New Castle, praying leave to bring in a bill to enlarge the corporate powers of the Trustees of New Castle Commons; which was, on motion, read, and leave granted accordingly.

On motion, by special order,

The bill entitled "An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle," was read a second time by paragraphs and passed Council.

On motion to put in nomination persons to be balloted for, to-morrow morning, out of whom two are to be chosen as Privy Councillors to supply the vacancies of George Wilson and Manlove Emerson, Esquires, whose times have expired by rotation, the following nominations were made, viz: Mr. Cooper nominated Nathaniel Mitchell, Esq.; Mr. Raymond nominated George McCall; Mr. Tilton nominated George Monro; Mr. Alexander nominated Charles Nixon; Mr. Mitchell nominated Elijah Barratt.

Adjourned to 10 o'clock to-morrow.

SATURDAY, January 21st, 1792, A. M.

Council assembled.

Mr. Batson, a member of Assembly, was admitted and presented to the Chair a bill entitled "An act for enabling Elisha Dickerson to erect a mill-dam across the head of the waters of Indian River near a place called Rock Hole, in Indian River Hundred, and Sussex County, and for the condemnation of a small piece of fast land, on the south side of said waters, for the use of a grist and saw-mill, with a log yard," passed by the House of Assembly and sent for concurrence. Which was, on motion, read and referred to Mr. Tilton, Mr. Raymond, and Mr. Cooper, to report thereon.

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Agreeable to leave granted yesterday, Mr. Alexander laid on the table a bill entitled "An act for enlarging the corporate powers of the Trustees of the New Castle Commons;" which was, on motion, read.

Mr. Robinson, a member of Assembly, was admitted and presented to the Chair a petition, signed by a number of the inhabitants of Campden, praying a law to prevent hogs from running at large, and a bill entitled "An act to prevent swine running at large in the village of Campden and certain bounds and limits therein prescribed," passed by the House of Assembly and sent for concurrence. Which petition and bill were, on motion, read.

A memorial, signed by the Sheriffs of New Castle and Kent Counties, praying leave to bring in a bill to increase the fees to Sheriffs, was laid on the table, and, on motion, read and referred to Mr. Alexander and Mr. Shankland, to report thereon.

On motion, by special order,

The bill entitled "An act for enlarging the corporate powers of the Trustees of the New Castle Commons," was read a second time by paragraphs, and passed Council.

Agreeable to the order of the day, Council proceeded to the election of two persons as Privy Councillors, to supply the vacancies occasioned by the expiration of the times of George Wilson and Manlove Emerson, Esquires, and the ballots being taken and cast up, it appears that Nathaniel Mitchell and George McCall, Esquires, were duly elected, and they were declared to be duly elected accordingly.

Adjourned to 10 o'clock on Monday next.

MONDAY, January 23d, 1792.

Council assembled. Present as on Saturday.

Ordered, That Mr. Raymond wait on the House of Assembly with the following papers, viz:

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"An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle" concurred in by Council; "An act to authorize Ann Ridgely and Nicholas Ridgely, executors of Charles Ridgely, Esquire, deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County," passed by Council and sent for concurrence; "An act for enlarging the corporate powers of the Trustees of the New Castle Commons," passed by Council and sent for concurrence; and the resolution of the House of Assembly entered into the 20th instant, respecting the books and papers belonging to the State, now in South Carolina, concurred in by Council.

Which he did accordingly.

On motion,

Ordered, That Mr. Shankland and Mr. Alexander be a committee to take into consideration the bill entitled "An act to prevent swine running at large in the village of Campden, and certain bounds and limits therein prescribed," and to report thereon.

Mr. Evans, a member of the House of Assembly, was admitted and presented the following resolution, viz., which was read:

IN THE HOUSE OF ASSEMBLY, January 23d, 1792.

Resolved, That a Joint Committee of both Houses be appointed to take into consideration the condition of the finances of this State, and as far as can be the accounts and demands due to the same, and report to this General Assembly the most advisable means for bringing all monies and demands into the public Treasury.

The members on the part of this House, are Messrs. Truitt. Evans, and Batson.

Extract from the minutes. FRANCIS MANY, for

Sent for concurrence. JAMES BOOTH, *Cl'k.*

Adjourned to 10 o'clock to-morrow.

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TUESDAY, 24th January, 1792, A. M.

Council assembled. Present as yesterday.

The committee to whom was referred the petition of Margaret North, presented the following report, which was read:

That from every information they have been able to collect, it is the opinion of your committee that Council should concur with the House of Assembly and agree to the Auditor's report, as made to the House of Assembly the 11th of January, 1791, and entered on the minutes of Council.

On motion, the report of the Auditor, dated the eleventh of January, one thousand seven hundred and ninety-one, as entered at large on the minutes of Council the twelfth day of January, one thousand seven hundred and ninety-one, allowing the sum of one hundred and twelve pounds six shillings and five pence to Margaret North, was read, considered, and concurred in.

On motion, the resolution of the House of Assembly appointing a joint committee to take into consideration the state of the finances of this State, presented yesterday, was read, considered, and agreed to.

The members appointed on the part of Council, are Mr. Tilton, Mr. Alexander, and Mr. Raymond.

Ordered, That Mr. Cooper wait on the House of Assembly and return them the above resolution and the report of the Auditor, concurred in by Council; which he did accordingly.

Adjourned to 10 o'clock to-morrow.

WEDNESDAY, January 25th, 1792, A. M.

Council assembled. Present as yesterday.

The committee to whom was referred the memorial of the Sheriffs of New Castle and Kent Counties, presented the following report, viz:

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That as this State is now about to alter the present Constitution and form a new one, which is soon expected to take effect, and at which time it will be necessary for the Legislature to make many general regulations for the respective officers, it is therefore the opinion of your committee that Council should not at this time go into any partial regulation of the fees as established by the present existing laws of this State.

Which was, on motion, read and agreed to.

The committee to whom was referred the bill entitled "An act to prevent swine running at large in the village of Campden and certain bounds and limits therein prescribed," reported sundry amendments to said bill.

On motion, the said bill was read a second time, with the amendments proposed thereto by the committee.

Adjourned to 3 o'clock this afternoon.

WEDNESDAY, January 25th, 1792, P. M.

Council assembled.

On motion, the bill entitled "An act to prevent swine running at large in the village of Campden and certain bounds and limits therein prescribed," was read a third time by paragraphs, with the amendments proposed, and passed Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill; which he did accordingly.

Mr. McKennan, a member of Assembly, was admitted and returned the bill entitled "An act for the more easy and speedy recovery of small debts," with eight amendments proposed thereto by the House of Assembly.

Adjourned to 10 o'clock to-morrow.

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THURSDAY, 26th January, 1792.

Council assembled. Present as yesterday.

The committee to whom was referred the bill entitled "A supplementary act to the act entitled 'An act for the better Relief of the Poor,'" reported that the said act, as passed by the House of Assembly, should be rejected by Council, and, instead thereof, a bill entitled "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, the 29th day of January, 1791," which the committee now laid on the table, should be substituted.

On motion, the act reported by the committee was read.

On motion, the bill entitled "A supplementary act to the act entitled 'An act for the better Relief of the Poor,'" as passed by the House of Assembly, was read and unanimously rejected.

On motion, the bill entitled "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, the 29th day of January, 1791," as reported by the committee, was, by special order, read a second time by paragraphs, and passed Council.

Ordered, That Mr. Tilton wait on the House of Assembly with said bill, for their concurrence; which he did accordingly.

On motion, the resolution of the House of Assembly, presented the 20th inst., directing the Auditor to liquidate the balances due on the old emissions, was read, considered, and agreed to.

Ordered, That Mr. Tilton return the said resolution to the House of Assembly; which he did accordingly.

Adjourned to 10 o'clock to-morrow.

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FRIDAY, January 27th, 1792, A. M.

Council assembled. Present as yesterday.

Mr. McKennan, a member of Assembly, was admitted and presented to the Chair an act entitled "An act to enable the owners and possessors of a certain tract of meadow ground, marsh and cripple, situate at the north end of the Town of New Castle, to repair, support and maintain the banks, dykes and sluices belonging to the same," passed by the House of Assembly and sent for concurrence, and a petition, signed by sundry persons, owners of marsh near the Town of New Castle.

On motion, the act entitled "An act for the more easy and speedy recovery of small debts," with the amendments proposed thereto by the House of Assembly, was read, and six of the said amendments were disagreed to, and an additional amendment proposed thereto by Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill, and the amendment proposed thereto, for their concurrence; which he did accordingly.

The committee to whom was referred the bill entitled "An act to enable Elisha Dickerson to erect a mill-dam across the headwaters of Indian River," presented the following report, viz:

"That they are of opinion said bill may pass into a law, with such amendments as shall be thought proper by Council."

Which was, on motion, read and agreed to.

On motion of Mr. Tilton, seconded by Mr. Alexander, that the said bill be recommitted, it was determined in the negative.

Mr. McKennan, a member of Assembly, was admitted and presented to the Chair a memorial of William Frazer, in behalf of his son, William Clark Frazer, together with a bill entitled "An act to vest William Clark Frazer with certain parts of the estate of William Clark, deceased, which by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant."

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On motion, the bill entitled "An act to enable Elisha Dickerson to erect a mill-dam across the headwaters of Indian River," was, by special order, taken up for a second reading, by paragraphs, and after some progress made therein, Council adjourned to 3 o'clock this afternoon.

FRIDAY, January 27th, 1792, P. M.

Council assembled, and, on motion, resumed the reading, by paragraphs, the bill entitled "An act to enable Elisha Dickerson to erect a mill-dam across the headwaters of Indian River."

On motion of Mr. Tilton, seconded by Mr. Alexander, to postpone the reading said bill till Council have further consideration of the same, it was determined in the negative.

Council then proceeded in the reading of said bill, and sundry amendments being proposed thereto and agreed to, passed Council.

Adjourned to 10 o'clock to-morrow.

SATURDAY, January 28th, 1792, A. M.

Council assembled. Present as yesterday, except Mr. Shankland.

Mr. Hollingsworth, a member of Assembly, was admitted and delivered the following papers, viz: A petition signed by James Delaplaine, with the following resolution:

IN THE HOUSE OF ASSEMBLY, 26th January, 1792, P. M.

Resolved, That James Delaplaine, late Collector of the State Tax of New Castle County, be allowed four per cent. for the col-

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lection of the State tax for the year 1785, on the final settlement of his account with the Auditor.

Sent for concurrence. FRANCIS MANY,
For JAMES BOOTH, *Cl'k.*

The same member also delivered the following report, viz:

We, the Joint Committee of both Houses of the General Assembly, appointed to take into consideration the state of the finances of the State, and the measures to be taken to bring the outstanding debts into the Treasury, beg leave to report:

That the Auditor lay a state of the finances before the General Assembly, specifying the several debtors and the sum or sums due from each of them, as near as can be ascertained. That a law be passed appointing a State Treasurer, vested with ample powers to recover, in the most speedy and summary manner, the sum or sums so reported due to the State. That he may attend the sale of lands or goods at the suit of the State; bid for or buy the same, and make sale thereof for the use of the State, always having regard to the interest of the State in his purchases or sales. That provision be made for bringing all monies from the different Loan Offices into the Treasury; and that no further loans of money be made on mortgage. That provision be made for appointing collectors for the different Hundreds in Sussex County for the tax laid in 1790, where they are not already appointed. That the Auditor, at all times when required, shall furnish the Treasurer with an account of any debtor or debtors' accounts as the same stand on the public books; and that the State Treasurer shall settle his accounts quarterly with the Auditor.

Signed on the part of Council,

NEHEMIAH TILTON,
JAMES RAYMOND,
ARCHB'D ALEXANDER.

Signed on the part of the House of Assembly,

THOS. EVANS,
GEORGE TRUITT,
JOHN W. BATSON.

Amendment proposed by the House of Assembly to the report

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of the Joint Committee of both Houses: That the word "Treasurer" shall be erased, and "agent" put in the stead thereof, in the 5th line.

Sent for concurrence. FRANCIS MANY,

Jan. 27th, 1792, A. M. For JAS. BOOTH, *Cl'k.*

A memorial from Charles Pope, formerly Lieutenant Colonel of the troops of this State, with the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, January 28th, 1792.

Resolved, That Lt. Col. Charles Pope is entitled to the benefit of all that part of the act of Assembly of this State entitled "An act for calling out of circulation their quota of Continental money," so far as it respects the depreciation of the pay due to the officers and soldiers of the Delaware Regiment, and that the Auditor and the surviving Commissioner for settling the depreciation accounts be required to adjust and liquidate the depreciation of the pay of the said Charles Pope and issue their certificate or cirtificates for the same.

Sent for concurrence. FRANCIS MANY,

For JAS. BOOTH, *Cl'k.*

Mr. Hollingsworth also returned the bill entitled "An act for the more easy and speedy recovery of small debts," with the amendments proposed by the House of Assembly, and disagreed to by Council, receded from, and the amendment proposed by Council disagreed to, and a further amendment proposed by the House of Assembly.

On motion, the said bill was read, and the amendment proposed by Council receded from, and the amendment proposed by the House of Assembly agreed to.

Ordered that the same be now engrossed.

On motion, the report of the joint committee appointed to take into consideration the state of the finances, was read and agreed to. The amendment proposed thereto by the House of Assembly was rejected.

Ordered, That Mr. Alexander wait on the House of Assembly and return said report; which he did accordingly.

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Mr. Truitt, a member of Assembly, was admitted and presented to the Chair a bill entitled "An act for the better improvement of a tract or parcel of meadow, marsh and cripple, commonly called the Mill Creek Marshes, situated on St. Jones' River, in Kent County," passed by the House of Assembly and sent for concurrence.

Adjourned to 10 o'clock on Monday.

MONDAY, January 30th, 1792, A. M.

Council assembled. Present as on Saturday.

On motion, the bill entitled "An act to enable the owners and possessors of a certain tract of meadow ground, marsh and cripple, situate at the north end of the Town of New Castle, to repair, support and maintain the banks, dykes and sluices belonging to the same," was read.

On motion, the last mentioned bill, and the bill entitled "An act for the better improvement of a tract or parcel of meadow, marsh and cripple, commonly called the Mill Creek Marshes, situated on St. Jones' River, in Kent County," were referred to Mr. Tilton and Mr. Alexander, to report thereon.

Adjourned to 3 o'clock this afternoon.

MONDAY, January 30th, 1792, P. M.

Council assembled.

On motion, the memorial of Lt. Col. Charles Pope, together with the resolution of the House of Assembly on his case, dated the 28th instant, were read.

On motion,

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Resolved, That Council do concur in the said resolution.

Ordered, That Mr. Raymond return said resolution to the House of Assembly, which was done accordingly.

On motion, the memorial of William Frazer, in behalf of his son, and the bill entitled "An act to vest certain parts of the estate of William Clark, deceased, which by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant," were read and referred to Mr. Alexander, Mr. Raymond, and Mr. Cooper, to report thereon.

On motion, the petition of James Delaplaine, with the resolution of the House of Assembly, dated the 26th inst., respecting a further allowance to him as Collector of the State Tax for 1785, were read and committed to Mr. Tilton and Mr. Cooper to report thereon.

Adjourned to 10 o'clock to-morrow.

TUESDAY, January 31st, 1792.

Council assembled. Present as yesterday.

Mr. McKennan, a member of Assembly, was admitted and presented a bill entitled "An additional supplement to an act entitled 'An act for the limitation of actions and proving accounts against the estates of persons dying within this State,'" passed by the House of Assembly and sent for concurrence. Which was, on motion, read.

Mr. Evans, a member of Assembly, was admitted and returned the bill entitled "A supplementary act to an act for the better Relief of the Poor," with twenty amendments proposed thereto by the House of Assembly, which, on motion, were read, and five of their proposed amendments disagreed to, one postponed, the remaining number agreed to, and an amendment proposed thereto by Council.

The committee to whom was referred the bill entitled "An act

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to enable the owners and possessors of a certain tract of meadow ground, marsh and cripple, situate at the north end of the Town of New Castle, to repair, support and maintain the banks, dykes and sluices belonging to the same," reported sundry amendments thereto.

On motion, the said bill was, by special order, read a second time, by paragraphs, and sundry amendments being proposed and agreed to, passed Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill, and the amendments proposed, for their concurrence; which he did accordingly.

Mr. Hollingsworth, a member of Assembly, was admitted and returned the report of the joint committee on the subject of finance, with the amendment proposed thereto by the House, and disagreed to by Council adhered to, and four additional amendments proposed thereto, which were, on motion, read.

Adjourned to 10 o'clock to-morrow.

WEDNESDAY, February 1st, 1792, A. M.

Council assembled. Present as yesterday.

Ordered, That Mr. Tilton wait on the House of Assembly and deliver them the following verbal message, for their concurrence, viz:

Gentlemen:

The Council propose to the honorable House of Assembly the meeting of the General Assembly, in the Council Chamber, at one o'clock this afternoon, in order to put in nomination persons out of whom shall be chosen a State Treasurer, to supply the vacancy occasioned by the death of John Gordon, Esquire; and also to put in nomination persons out of whom shall be chosen a Justice to supply the vacancy in the Court of Common Pleas

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in the County of Sussex, occasioned by the death of Peter F. Wright, Esquire.

Mr. Tilton delivered the message accordingly.

Mr. Truitt, a member of Assembly, was admitted and returned the above message, concurred in by the House of Assembly.

Adjourned to 3 o'clock this afternoon.

WEDNESDAY, February 1st, 1792, P. M.

Council assembled.

Mr. Truitt, a member of Assembly, was admitted and delivered the following verbal message, which was read, viz:

IN THE HOUSE OF ASSEMBLY, P. M., February 1st, 1792.

Gentlemen:

The House of Assembly propose to the honorable Legislative Council that they will meet, in the Council Chamber, in five minutes, in order to put in nomination persons out of whom shall be chosen a State Treasurer, to supply the vacancy occasioned by the death of John Gordon, Esquire; and also to put in nomination persons out of whom shall be chosen a Justice to supply the vacancy in the Court of Common Pleas in the County of Sussex, occasioned by the death of Peter F. Wright, Esquire.

The General Assembly met in Council Chamber.

The verbal message sent this morning by Council to the House of Assembly, and concurred in by that House, was, by order, read.

On motion of Mr. Many, seconded by Mr. Barratt, that as the President or Commander-in-Chief is not present, the two Houses do now separate, it was determined in the negative.

On motion of Mr. Truitt, seconded by Mr. Batson, that the General Assembly do now proceed to nominate persons out of

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whom shall be chosen a State Treasurer, to supply the vacancy occasioned by the death of John Gordon, Esquire, it was determined in the affirmative.

The General Assembly proceeded accordingly, and the following persons were nominated, viz:

Mr. Draper nominated Robert Clark, Esquire: Mr. McLane nominated Francis Many, Esquire; Mr. Oliver nominated Nicholas Ridgely, Esquire; Mr. Alexander nominated John Stockton, Esquire.

On motion of Mr. Batson, seconded by Mr. Truitt, that the General Assembly do now proceed to nominate persons out of whom shall be chosen Justices to supply the vacancies in the Court of Common Pleas in Sussex County, it was determined in the affirmative.

The General Assembly proceeded accordingly, and the following persons were nominated:

Mr. Tilton nominated Peter Robinson, Esquire, 2d Justice; Mr. Batson nominated Charles Polk, Esquire, 3d Justice; Mr. Batson nominated Isaac Cooper, Esquire, 4th Justice.

On motion,

Resolved, That the two Houses now separate, and meet, in the Council Chamber, in one hour, in order to elect, by ballot, persons, from those in nomination, as State Treasurer and Justices of the Court of Common Pleas for the County of Sussex.

The Houses separated accordingly.

The General Assembly met, in the Council Chamber, and, on motion, proceeded, by joint ballot, to the election of a State Treasurer, to supply the vacancy occasioned by the death of John Gordon, Esquire, and the ballots being taken and examined, it appeared that Robert Clark, Esquire, was duly elected, and he was declared duly elected State Treasurer accordingly.

On motion of Mr. Batson, seconded by Mr. Cannon, that the General Assembly do now proceed to elect persons, by ballot, out of those in nomination, as Justices to supply the vacancies in the Court of Common Pleas in the County of Sussex, it was determined in the negative.

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On motion of Mr. Batson, seconded by Mr. McKennan, that the consideration of the last question be resumed, it was determined in the affirmative.

On motion of Mr. Batson, seconded by Mr. Cannon, that the General Assembly do now proceed to elect persons, by ballot, out of those in nomination as Justices to supply the vacancies in the Court of Common Pleas in the County of Sussex, it was determined in the affirmative.

The Speaker of the House of Assembly requested leave to retire, as he considered it unconstitutional to go into such appointment in the absence of the President. Leave was granted and he retired accordingly.

On motion of Mr. Barratt, seconded by Mr. Barker, that the yeas and nays be taken on the question to elect persons, by ballot, as Justices in the Court of Common Pleas in Sussex County, it was determined in the affirmative. They were taken accordingly, and are as follows:

Yeas—Mr. Alexander, Mr. Tilton, Mr. Maxwell, Mr. Robinson, Mr. Reynolds, Mr. McKennan, Mr. Hayes, Mr. Batson, Mr. Draper, Mr. Jeremiah Cannon, Mr. Wingate Cannon, Mr. Cooper.

Nays—Mr. Raymond, Mr. Evans, Mr. Collins, Mr. Hollingsworth, Mr. Truitt, Mr. Barratt, Mr. Many, Mr. Lewis, Mr. Barker, Mr. Oliver.

On motion of Mr. Tilton, seconded by Mr. Cannon, that the Speaker of the House of Assembly having retired, shall this General Assembly proceed to elect persons out of those in nomination as Justices to supply the vacancies in the Court of Common Pleas in the County of Sussex? it was determined in the negative.

On motion of Mr. Evans, seconded by Mr. Barker, that the Clerk of the House of Assembly be directed to request the Speaker of that House to resume his seat, it was determined in the affirmative.

The Clerk reported, from the Speaker, that he would resume the Chair for the purpose of the Houses to separate, but, as leave was granted him to retire, he did not choose to resume for any other purpose.

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On motion of Mr. Evans, seconded by Mr. McKennan, that Mr. Robinson do now take the Chair of the Speaker of the House of Assembly, as Speaker of that House *pro tempore*, it was determined in the affirmative, and Mr. Robinson was placed in the Chair accordingly.

The General Assembly then proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancies in the Court of Common Pleas in Sussex County, and the ballots being taken and examined, it appeared that Peter Robinson, Esquire, was duly elected second Justice; Charles Polk, Esquire, was duly elected third Justice, and Isaac Cooper, Esquire, was duly elected fourth Justice, and they were declared duly elected accordingly.

Then the two Houses separated, and Council adjourned to 10 o'clock to-morrow.

THURSDAY, February 2d, 1792, A. M.

Council assembled. Present as yesterday.

On motion, the report of the joint committee on the subject of finance, together with the amendments proposed thereto by the House of Assembly, were read, and the proposed amendments disagreed to.

On motion,

Resolved, That Mr. Tilton and Mr. Cooper be a committee to prepare and bring in a bill agreeable to the tenor of the report of the joint committee on the subject of finance.

On motion, the amendments proposed by the House of Assembly to the bill entitled "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, the 29th day of January, 1791," which had been postponed by Council, were read, and the four first lines thereof rejected, the remainder agreed to.

Ordered, That Mr. Raymond return the said bill, with the

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amendments, as acted on by Council, and the report of the joint committee on the subject of finance, with the amendments proposed disagreed to, to the House of Assembly; which he did accordingly.

Adjourned to 3 o'clock this afternoon.

THURSDAY, February 2d, 1792, P. M.

Council assembled.

The committee to whom was referred the bill entitled "An act to vest certain parts of the estate of William Clark, deceased, which by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant," reported an amendment thereto.

On motion, the said bill was, by special order, read a second time by paragraphs, and an amendment being proposed thereto and agreed to, passed Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill, as amended, for their concurrence; which he did accordingly.

Mr. McKennan, a member of Assembly, was admitted and presented to the Chair a bill entitled "An additional supplement to the additional supplement to the supplement of an act entitled 'An act to prevent the exportation of slaves, and for other purposes,' " passed by the House of Assembly and sent for concurrence. Which was, on motion, read.

On motion, the bill entitled "An additional supplement to an act entitled 'An act for the limitation of actions and proving accounts against the estate of persons dying within this State,' " was committed to Mr. Raymond and Mr. Alexander, to report thereon.

Mr. Evans, a member of Assembly, was admitted and delivered a report from the Auditor, dated January 25th, 1792, con-

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taining a circumstantial account of the finances of this State; which was, on motion, read, and ordered to lie on the table.

Council adjourned to 10 o'clock to-morrow.

FRIDAY, February 3d, 1792, A. M.

Council assembled. Present as yesterday.

Mr. Lewis, a member of Assembly, was admitted and returned the bill entitled "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, 29th January, 1791," thus acted on:

IN THE HOUSE OF ASSEMBLY, A. M., February 3, 1792.

The amendments not agreed to by Council receded from by this House, and the amendment proposed thereto by Council agreed to.

For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

On motion, ordered that said bill be now engrossed.

Mr. Robinson, a member of Assembly, was admitted and delivered the following reports from the Auditor, agreed to by that House, viz:

The Auditor of Accounts having, as State Commissioner, transmitted to the office of the Commissioner of Army Accounts of the United States the accounts of sundry officers employed in the recruiting service during the late war, has received from the said office statements of several of their accounts, none of which are in a condition to be acted upon, except Captain Peter Jacquet's, which is sent herewith, and thereupon he begs leave to make the following report:

That, charging Capt. Peter Jacquet with the money he received from Col. Hall in January, 1777, . . $ 260 00

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Also with money he received from Geo. Read, Esq., in May, 1777,	$ 780 00
And with the specie value of $1,000 he received from Col. Hall in June, 1778,	354 80
There remains due to him, in specie, the sum of £153 : 18 : 4, equal to	410 40
	$1,805 30

Equal to the credit given this State by the United States.

Dover, January 26th, 1792. ELEAZER McCOMB.

The Auditor of Accounts, to whom was referred two petitions of George Evans, of New Castle County, begs leave to report:

With respect to the first petition, dated January 2d, 1792, that at the time allowances were made to the lieutenants and sub-lieutenants of Kent and Sussex Counties, it was alleged, by one or more of the members of the General Assembly from New Castle County, that those officers for that county would not exhibit any charge for their service, but would be contented with the Militia fines they had received, or were to receive, under the law. This the Auditor took for granted, as no account appeared of any money paid by them, on account of fines, to the State Treasurer; and although the declaration of these gentlemen doth not preclude the demand, the Auditor is of opinion that no allowance whatever ought to be made to the lieutenant or sub-lieutenants of New Castle County for their services until the Militia fines received by them are duly accounted for.

With respect to the second petition, dated January 4th, 1792, the Auditor is of opinion, that as Francis Wade was an officer of the United States, and not accountable to this State for his conduct in the transaction of his business, any just demand which Mr. Evans may have against him, as an officer of the United States, should be exhibited to Congress.

The Auditor begs leave further to mention that the said Geo. Evans, acting as Commissary under the appointment and orders of the President and Privy Council of this State, sold and disposed of a number of cattle, &c., to a considerable amount, in the month of November, 1777, of the sales of which no account hath yet been rendered; but a list of outstanding debts, amount-

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ing to £693 : 14 : 9, hath been returned by him into the Auditor's office, and, by his own confession, there remains in his hands upwards of one thousand pounds, of Continental money, received on account of said property sold.

The Auditor, having heretofore called upon Mr. Evans, by summons, to appear in his office and settle his accounts, on his neglecting so to do, caused a suit to be instituted against him in the Court of Common Pleas of New Castle County, which is still depending; and the Auditor is of opinion that Mr. Evans ought to collect the debts he has returned outstanding and account for what he has received, or may receive, and what may have been lost through his neglect.

Dover, January 19th, 1792. ELEAZER McCOMB.

The Auditor of Accounts begs leave to report that there is due:

To James Adams, for printing the Votes and Proceedings of the House of Assembly at the sessions of January, 1791, 14 sheets, @ 28s., . .	£19 12 0	
And for printing the Votes and Proceedings of the sessions of October, 1791, 3½ sheets, @ 28s., ...	4 18 0	
		£24 10 0
To Frederick Craig & Co., for printing the Laws of the January session, containing 9½ sheets, @ 30s., ...		14 5 0
To Brynberg & Andrews, for publishing in the Delaware Gazette the resolutions of the General Assembly respecting a convention, ...	£ 1 10 0	
For printing the Votes and Proceedings of the House of Assembly at the sessions of September, 1791, 3 sheets, @ 28s., ...	4 4 0	
And for printing the Laws passed at the session of October, 1791, 1½ sheets, @ 30s., ...	2 5 0	
		7 19 0
		£46 14 0

Dover, January 24th, 1792. ELEAZER McCOMB.

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The Auditor of Accounts begs leave to report that there is due:

To James Adams, for printing the Votes and Proceedings of the House of Assembly at the session of January, 1791, containing 14 sheets, @ 28s., ...	£19 12 0	
And for printing the Votes and Proceedings of the session of October, 1791, 3½ sheets, @ 28s., ...	4 18 0	
		£24 10 0
To Frederick Craig & Co., for printing the Laws of the January session, 1791, containing 9½ sheets, @ 30s., ...		14 5 0
To Brynberg & Andrews, for printing the Votes and Proceedings of the House of Assembly at the session of September, 1791, 3 sheets, @ 28s., ...	£ 4 4 0	
And for printing the Laws passed at the session of Oct., 1791, 1½ sheets @ 30s.,	2 5 0	
		6 9 0
		£45 4 0

Dover, January 24th, 1792. ELEAZER McCOMB.

Mr. Robinson also delivered a paper containing as follows, viz:

IN THE HOUSE OF ASSEMBLY, A. M., February 3d, 1792.

The several reports of the Auditor, sent herewith, are agreed to, and sent to Council for concurrence.

For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

On motion, the Auditor's reports were read and committed to Mr. Raymond and Mr. Alexander, to report thereon.

On motion, the bill entitled "An additional supplement to the additional supplement to the supplement of an act entitled 'An act to prevent the exportation of slaves, and for other purposes,'" was committed to Mr. Cooper and Mr. Raymond, to report thereon.

Council adjourned to 3 o'clock this afternoon.

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FRIDAY, February 3d, 1792, P. M.

Council assembled.

Mr. Cooper, one of the committee to whom was referred the bill entitled "An additional supplement to the additional supplement to the supplement of an act entitled 'An act to prevent the exportation of slaves,'" requested to be excused from reporting on said bill, and asked leave to lay the same on the table. Leave was granted him accordingly.

Mr. Barker, a member of Assembly, was admitted and delivered the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, A. M., February 3d, 1792.

Resolved, That the Commissioners of the Court House in the Town of Dover shall be allowed to draw upon the State Treasurer for the sum of five hundred and fifty pounds, out of the monies that shall come into his hands of the arrearage taxes, for the use of the said Court House, to finish the rooms appropriated for the use of the General Assembly of this State by law.

Sent for concurrence. For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

Which, on motion, was read.

The committee to whom was referred the Auditor's reports, presented their report, which was agreed to.

On motion, the Auditor's report respecting the claim of Ge. Evans, dated the 19th January, 1792; his report respecting th sum due to Capt. Peter Jacquet, dated 26th January, 1792, and his report respecting the sums due to the printers, amounting to £45 : 4 : 0, dated the 24th January, 1792, was read, considered and agreed to.

On motion, the Auditor's report respecting the sums due to the printers, amounting to £46 : 14 : 0, dated the 24th January, 1792, was read and rejected.

On motion, the bill entitled "An additional supplement to the additional supplement to the supplement of an act entitled 'An

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act to prevent the exportation of slaves, and for other purposes,'" was read a second time.

Mr. McKennan, a member of Assembly, was admitted and delivered the following resolution:

IN THE HOUSE OF ASSEMBLY, February 3d, 1792.

Resolved, That it is the intention of this House to conclude the present session to-morrow evening.

For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

Which, by order, was read.

Mr. Draper, a member of the House of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, February 3d, 1792.

Resolved, That the incidental expenses of the Convention of this State that have or may accrue, which are not provided for by the resolution of September last, be now provided for, and that the President of said Convention be empowered to draw upon the State Treasurer an order or orders for the discharge of such expenses, at such time or times as he shall conceive necessary, so that such order or orders be approved of by said Convention.

Extract from the minutes.
Sent for concurrence.

For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

Which was, on motion, read.

A petition, signed by sundry inhabitants of New Castle County, and the following petition and address of Warner Mifflin, was presented to the Chair, and, by order, read, viz:*

The committee to whom was referred the report of the joint committee on the subject of finance, reported a bill entitled "An act for expediting the collection of arrearage taxes, and for other purposes;" which was, on motion, read.

On motion, by special order, the said bill was read a second time by paragraphs and passed Council.

* Not recorded.

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Ordered, That Mr. Alexander wait on the House of Assembly and deliver said bill for their concurrence, and return the Auditor's report, as acted upon by Council; which he did accordingly.

Adjourned to 10 o'clock to-morrow.

SATURDAY, February 4th, 1792, A. M.

Council assembled. Present as yesterday.

The committee to whom was referred the bill entitled "An additional supplement to an act entitled 'An act for the limitation of actions and proving accounts against the estates of persons dying within this State,'" reported said bill with sundry amendments.

On motion, said bill was read a second time, by special order, by paragraphs, and sundry amendments being proposed and agreed to, passed Council.

Ordered, That Mr. Raymond wait on the House of Assembly with said bill and proposed amendments, for their concurrence; which he did accordingly.

Mr. Truitt, a member of Assembly, was admitted and returned an act entitled "An act to authorize Ann Ridgely and Nicholas Ridgely, the executors of Charles Ridgely, Esq., deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County," concurred in and passed by the House of Assembly.

Ordered that the said bill be now engrossed.

On motion, the resolution of the House of Assembly, appropriating the sum of £550 to the use of the Court House in Dover, was read and disagreed to.

Ordered, That Mr. Cooper wait on the House of Assembly and return said resolution; which he did accordingly.

Adjourned to 3 o'clock this afternoon.

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SATURDAY, February 4th, 1792, P. M.

Council assembled.

Mr. Batson, a member of Assembly, was admitted and returned the bill entitled "An act for expediting the collection of arrearage taxes, and other purposes," concurred in and passed by the House of Assembly,

Ordered that said bill be now engrossed.

Mr. McKennan, a member of Assembly, was admitted and delivered a bill entitled "An act for the appropriation of the sum of five hundred and fifty pounds toward finishing the chambers in the Court House of Kent County, for the use of the Legislature, and for other purposes," passed by the House of Assembly and sent for concurrence. Which was, on motion, read.

Mr. McKennan also delivered the following report from the Auditor, which was agreed to by the House of Assembly and sent for concurrence, viz:

The Auditor of Accounts begs leave to report: That Andrew Barratt, Esq., late High Sheriff of Kent County, hath exhibited an account—

For attending the High Court of Errors and Appeals, 14 days, at different sessions, from October, 1788, to June, 1791, inclusive, at 7 : 6 per diem, .	£	5	5 0
Summoning the members of the General Assembly for Kent County, in June, 1789, and Sept., 1791, .		5	0 0
And for serving 10 summonses, issued by the Auditor in behalf of the State, in 1789, ...		2	10 0
	£	12	15 0

Which the Auditor is of opinion ought to be allowed and passed to the credit of his account. ELEAZER McCOMB.

Dover, February 3d, 1792.

"In the House of Assembly, 4th February, 1792: Agreed to."

For JAMES BOOTH, *Cl'k*,
F. MANY.

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On motion, the foregoing report was read, considered and agreed to.

Mr. Truitt, a member of Assembly, was admitted and delivered the following report from the Auditor, viz:

The Auditor of Accounts, to whom was referred an account exhibited by the executors of John Gordon, Esquire, deceased, having considered the same, begs leave to report: That there is due to his estate, for public services and expenses incurred by him in the execution of the laws, for which his account ought to be credited, the following sums, viz:

For sending David Harper to Sussex County to attend the sales of George Bacon's land, ...	£	1	2 6
29 days attendance at the sales of property belonging to sundry delinquent collectors of Sussex County, at different times, including expenses, at 25s., . .		36	5 0
Expenses of printing advertisements and trouble of setting them up, ...		0	17 6
The same expense and trouble a second time, . . .		0	17 6
A deed of conveyance and acknowledging it, ...		0	18 9
Expenses of advertising, ...		0	7 6
Attending the Trustee of the Loan Office of Kent County, receiving and counting Continental money from Kent and Sussex Counties, and funding the same, together with sundry certificates, ...		1	10 0
Expenses of printing Treasury notes, ...		3	0 0
Issuing Treasury notes for £5248 : 9 : 8, at 10s. per hundred pounds, ...		26	4 9
	£	71	3 6

Dover, February 2d, 1792. ELEAZER McCOMB.

"In the House of Assembly, 4th February, 1792: Agreed to."

Sent for concurrence. For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

On motion, the foregoing report was read, considered, and agreed to.

Mr. McKennan, a member of Assembly, was admitted and presented the following resolution, viz:

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IN THE HOUSE OF ASSEMBLY, February 4th, 1792.

Resolved, That Joseph Taylor, late Collector of the State Tax of Kent County, be allowed four per cent. for the collection of the State tax for the year 1785, on the final settlement of his accounts with the Auditor.

A true extract from the minutes.

For JAMES BOOTH, *Cl'k.*

F. MANY.

On motion, the foregoing resolution was read, considered and agreed to.

On motion, the resolution of the House of Assembly, allowing James Delaplaine four per cent. for the collection of the State Tax or 1785, presented to Council for concurrence the 28th January, was read, considered, and agreed to.

On motion, the bill entitled "An act for the appropriation of the sum of five hundred and fifty pounds toward finishing the chambers in the Court House of Kent County, for the use of the Legislature, and for other purposes," was read a second time.

On motion to postpone said bill, it was determined in the affirmative.

Mr. McKennan, a member of the House of Assembly, was admitted and presented the following resolution, together with the bills therein mentioned, signed by the Speaker of the House of Assembly, viz:

IN THE HOUSE OF ASSEMBLY, A. M., February 4th, 1792.

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following acts:

1. "An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle;"

2. "An act for enlarging the corporate powers of the Trustees of the New Castle Commons;"

3. "An act to enable the owners and possessors of a certain

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tract of meadow ground, marsh and cripple, situate at the north end of the Town of New Castle, to repair, support and maintain the banks, dykes and sluices belonging to the same;"

4. "An act for enabling Elisha Dickerson to erect a mill-dam across the head of the waters of Indian River, near a place called Rock Hole, in Indian River Hundred and Sussex County, and for the condemnation of a small piece of fast land, on the south side of said waters, for the use of a grist and saw-mill, with a log yard;"

5. "An act to vest certain parts of the estate of William Clark, deceased, which by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant;"

6. "An act to prevent swine running at large in the village of Camden and certain bounds and limits therein prescribed;"

7. "An additional supplement to an act for the limitation of actions and proving accounts against the estate of persons dying within this State."

Ordered, That Mr. McKennan deliver to Council a copy of the above resolution, for their concurrence, and also the bills therein mentioned, in order that they may be signed by the Speaker of that House.

For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

On motion,

Ordered, That the above mentioned bills be now signed by the Speaker of Council; which was done accordingly.

On motion,

Ordered, That the Speaker do now sign the following engrossed bills; which he did accordingly, viz:

1. "An act for the more easy and speedy recovery of small debts;"

2. "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, the twenty-ninth day of January, one thousand seven hundred and ninety-one;"

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3. "An act to authorize Ann Ridgely and Nicholas Ridgely, the executors of Charles Ridgely, Esq., deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County;"

4. "An act for expediting the collection of arrearage taxes, and other purposes."

Ordered, That Mr. Alexander wait on the House of Assembly and deliver the above mentioned bills, in order that they may be signed by the Speaker of that House; which he did accordingly.

Council made the following allowances:

To the Honorable George Mitchell, Esq., Speaker, for 30 days' attendance and mileage, ...	£29	10	0
To Nehemiah Tilton, Esq., for 35 days' attendance and mileage, ...	23	10	0
To Archibald Alexander, Esq., for 28 days' attendance and mileage, ...	19	1	0
To James Raymond, Esq., for 28 days' attendance and mileage, ...	17	7	0
To Isaac Cooper, Esq., for 30 days' attendance and mileage, ...	20	10	0
To Rhoads Shankland, Esq., for 21 days' attendance and mileage, ...	14	17	0
To Charles Nixon, for 28 days' attendance and engrossing, ...	29	1	0
To Thomas Wild, for 32 days' attendance and charge of firewood, candles, &c., ...	24	3	1
To John Clayton and George Cummins, Esquires, executors of John Gordon, Esq., for sundries furnished by him for the use of Council Chamber, ...	10	6	4½
	£188	5	11½

On motion,

Resolved, That orders be drawn on the State Treasurer, and signed by the Speaker, for the above sums.

Whereupon orders were drawn and signed accordingly.

Adjourned to the 20th October next.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

SPECIAL SESSION, MAY, 1792.

TUESDAY, May the 1st, 1792.

Council assembled. A quorum not attending, adjourned to Wednesday, the 2d May, 1792, A. M.

WEDNESDAY, the 2d May, 1792, A. M.

Council assembled. Present, the Honorable George Mitchell, Esq., Speaker; Mr. Tilton, Mr. Raymond, Mr. Shankland, and Mr. Cooper.

Council adjourned to 3 o'clock this afternoon.

WEDNESDAY, the 2d May, 1792, P. M.

Council assembled.

On motion, *Ordered*, That Mr. Raymond wait on the House of Assembly with the following engrossed bills passed the last session, together with the originals, for the reëxamination and

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inspection of that House previous to entering into a resolution for affixing the Great Seal to said bills, viz:

1. "An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle;"

2. "An act for enabling Elisha Dickerson to erect a mill-dam across the head of the waters of Indian River, near a place called Rock Hole, in Indian River Hundred and Sussex County, and for the condemnation of a small piece of fast land, on the south side of said waters, for the use of a grist and saw-mill, with a log yard;"

3. "An act to vest certain parts of the estate of William Clark, deceased, which by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant;"

4. "An act to prevent swine running at large in the village of Camden, and certain bounds and limits therein prescribed;"

5. "An additional supplement to an act entitled 'An act for the limitation of actions and proving accounts against the estates of persons dying within this State.'"

Mr. Raymond delivered the above mentioned bills, together with their originals, agreeable to order.

Mr. Barratt, a member of the House of Assembly, was admitted and presented the following resolution, which was, on motion, read:

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
WEDNESDAY, May 2, 1792.

On motion of Mr. Evans, seconded by Mr. Oliver,

Resolved, That this House will not take up or act on any new business but what is absolutely necessary, and will adopt the most speedy measures for completing the business of the last session of the General Assembly, and that Council be furnished with a copy of this resolution.

Extract from the minutes.

JAMES BOOTH, *Cl'k of Assembly.*

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On motion,

Ordered, That Mr. Tilton, Mr. Raymond, and Mr. Cooper be a committee to prepare and bring in a bill appropriating the surplusage of interest over and above the sums necessary to pay off the interest on the loans made to the United States on the assumed debt of this State.

Council adjourned to 9 o'clock to-morrow.

THURSDAY, May 3d, 1792, A. M.

Council assembled. Present as yesterday, and Mr. Alexander, who attended and took his seat.

Mr. Maxwell, a member of the House of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
THURSDAY, A. M., May 3, 1792.

On motion of Mr. Evans, seconded by Mr. McKennan,

Resolved, That this House now adjourn to three o'clock in the afternoon, to meet at the house of Thomas Hale, at Duck Creek Cross Roads, and there sit for the transaction of the public business.

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

On motion, the above resolution was read, considered and agreed to.

Ordered, That Mr. Alexander wait on the House of Assembly and return the said resolution; which he did accordingly.

Council adjourned to 3 o'clock this afternoon, to meet at the house of Thomas Hale, at Duck Creek Cross-Roads.

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DUCK CREEK CROSS-ROADS,
AT THE HOUSE OF THOMAS HALE,
THURSDAY, 3d May, 1792, P. M.

Council assembled.

The Speaker laid on the table a bill entitled "An act continuing in force an act for the amending and continuing the provisions made in the act entitled 'An act for auditing and arranging the accounts of this State, and for the more effectual settlement of the same,'" which was, on motion, read and referred to Mr. Cooper and Mr. Alexander, to report thereon.

Adjourned to 9 o'clock to-morrow morning.

FRIDAY, May 4th, 1792, A. M.

Council assembled. Present as yesterday.

The committee to whom was referred the bill entitled "An act continuing in force an act for the amending and continuing the provisions made in the act entitled 'An act for auditing and arranging the accounts of this State, and for the more effectual settlement of the same," reported said bill, and are of opinion it should be passed into a law.

On motion, by special order, said bill was read a second time by paragraphs and passed Council.

Ordered, That Mr. Shankland wait on the House of Assembly with said bill, for their concurrence; which he did accordingly.

The committee appointed on the second instant, reported a bill entitled "An act to appropriate the interest money arising from the unsubscribed part of the assumed debt of this State," which was, on motion, read.

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On motion, by special order, the above mentioned bill was read a second time by paragraphs and passed Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill, for their concurrence; which he did accordingly.

Adjourned to 3 o'clock this afternoon.

FRIDAY, May 4th, 1792, P. M.

Council assembled.

Mr. McKennan, a member of Assembly, was admitted and presented the following report of the committee of the House of Assembly, with the following resolution of that House, and the engrossed bills therein specified, viz:

The committee to compare the several engrossed bills passed at the last sitting of the General Assembly, and to which the Great Seal hath not been affixed, report that they have carefully performed the service committed to them, and now deliver to the House the said engrossed bills, which are accurately conformed to the original draughts.

W. McKENNAN,
WINGATE CANNON.

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
FRIDAY, A. M., May 4th, 1792.

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following acts passed during the last sitting of the General Assembly, to wit:

1. "An act for enabling Elisha Dickerson to erect a mill-dam across the head of the waters of Indian River, near a place called Rock Hole, in Indian River Hundred, Sussex County, and for the condemnation of a small piece of fast land, on the south side of said waters, for the use of a grist and saw-mill, with a log yard;"

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2. "An act to authorize Ann Ridgely and Nicholas Ridgely, executors of Charles Ridgely, Esquire, deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County;"

3. "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, the twenty-ninth day of January, one thousand seven hundred and ninety-one;"

4. "An act to enlarge the corporate powers of the Trustees of the New Castle Commons;"

5. "An act to enable the owners and possessors of a certain tract of meadow ground, marsh and cripple, situate at the north end of the Town of New Castle, to repair, support and maintain the banks, dykes and sluices belonging to the same;"

6. "An act for expediting the collection of arrearage taxes, and for other purposes;"

7. "An act to vest certain parts of the estate of William Clark, deceased, which, by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant;"

8. "An act to prevent swine running at large in the village of Camden, and certain bounds and limits therein prescribed;"

9. "An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle;"

10. "An additional supplement to an act entitled 'An act for the limitation of actions and proving accounts against the estates of persons dying within this State;'"

11. "An act for the more easy and speedy recovery of small debts."

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

On motion, the foregoing resolution was read, considered and concurred in.

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Ordered, That Mr. Raymond wait on the House of Assembly and return the said resolution, concurred in, together with the engrossed bills therein mentioned; which he did accordingly.

On motion,

Resolved, That Mr. Shankland and Mr. Tilton be a committee to wait on his Excellency, the President, to know his reasons for not commissioning the person chosen the last sitting of the General Assembly as fourth Justice of the Court of Common Pleas for the County of Sussex.

The committee returned and reported that they had waited on his Excellency, the President, and he informed them that he had not had official information of the appointment of a Justice at the last session, and requested a copy of the proceedings of the General Assembly on that occasion, that he would then give his reasons in writing.

Ordered, That the Secretary furnish him with said copy; which he did accordingly.

On recurring to the minutes of Council at the meeting of the General Assembly, in Council Chamber, the first day of February last, it appears that Mr. Cooper's name was not entered in the yeas and nays, which was ordered by the Council the morning following, but omitted, and as Mr. Cooper was present at the time the question was taken, his name was, by his own request and order of Council, inserted as yea.

Mr. McKennan, a member of Assembly, was admitted and presented the following resolution of that House, which was, by order, read, viz:

IN THE HOUSE OF ASSEMBLY,
FRIDAY, P. M., May 4th, 1792.

WHEREAS John Clayton, who declared he spoke the sentiments of the people of Kent County, hath, as one of the Commissioners for completing the Court House in Dover, insulted the Legislature of this State by denying them the use of the chambers heretofore occupied by the General Assembly for holding their sessions, requiring them to be delivered up for the use of workmen employed about the building, in consequence of which both Houses have adjourned the sessions to Duck Creek Cross-Roads; therefore

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Resolved unanimously, That, in the opinion of this General Assembly, the Legislature of this State ought not to be subject to the caprice of any individual in the State, and that it will not be proper for them to hold their sessions in the Town of Dover until the Levy Court of Kent County, or some other proper authority, shall, by an explicit act, appropriate to their use the chambers in the said Court House, agreeable to the intention of the Legislature heretofore expressed.

Ordered, That the above resolution be sent to the Council, for their consideration and concurrence.

Extract from the minutes.

JAS. BOOTH, *Cl'k of Assembly.*

Mr. Maxwell, a member of Assembly, was admitted and presented the following message from his Excellency, the President, together with the inclosures therein mentioned, which was, by order, read, viz:

Gentlemen of the General Assembly:

A majority of the Legislative Council of this State having represented to me that a meeting of the Legislature would be of great public utility, and requested that the General Assembly should be convened on the first day of the present month, I did, therefore, on the eighteenth day of April last, issue writs of summons for that purpose, which I have directed to be laid before you.

A letter, dated the 23d ulto., has just been communicated to me from Thomas McKean and Edmund Physick, Esquires, attorneys of the late proprietaries, relative to the vacant and unappropriated lands in this State, the quit rents, alienation fines, and monies in arrear, which is claimed by them on behalf of the said late proprietaries. They have deemed it expedient to make this communication to me, and I have directed the Secretary to lay the same before your Honors for your consideration.

The Secretary will also deliver a resignation of Jacob Broom, Esquire, dated the 16th ulto., of his commission as a Justice of the Peace for the County of New Castle; and also the resignation of John Clayton, Esquire, dated the 17th ulto., of his commis-

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sion of third Justice of the Court of Common Pleas and Orphans' Court for the County of Kent.

I have also directed to be laid before you a letter of the 31st of January last, from his Excellency the Governor of Georgia, enclosing a concurrent resolution of the General Assembly of that State, instructing their Senators to move that the doors of the Senate of the United States be kept open, whilst sitting in their legislative capacity.

The act of Assembly entitled "An act to render parts of divers acts of Assembly, and certain law proceedings, more conformable to the present Constitution," operates, in many instances, very injuriously by restricting the several Courts of Quarter Sessions in issuing recommendations for the keeping of houses of public entertainment to the session annually held in the month of February, whereas, in a great variety of cases, the performance of that duty can be exercised at a subsequent session, if requisite, more beneficially, both to the public and the parties interested. The inconvenience complained of might be remedied with great facility, and I therefore recommend it to the attention of your honors. J. CLAYTON.

Dover, May 2d, 1792.

Adjourned to eight o'clock to-morrow morning.

SATURDAY, May 5th, 1792, A. M.

Council assembled. Present as yesterday.

On motion, the resolution of the House of Assembly of yesterday, respecting the adjournment to this place, was read and non-concurred in.

Ordered, That Mr. Tilton wait on the House of Assembly and deliver the following verbal message, together with the following resolution, for their concurrence:

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VERBAL MESSAGE TO THE HOUSE OF ASSEMBLY.

Gentlemen:

The Council, having taken into consideration the resolution of your honorable body, of yesterday, respecting the cause of adjournment of the present session from Dover to this place, have thought proper to return the same to your honorable body, together with a resolution unanimously agreed to by Council purporting the same, but more explanatory, and flatter themselves that it will meet with your unanimous approbation.

WHEREAS the Legislature, at their present meeting, were prevented sitting in the Court House, in Dover, by the Court House Commissioners refusing the use of the chambers formerly occupied by them; on which refusal the Legislative Council procured a room for their accommodation, and the House of Assembly having taken possession of the room in the Court House formerly occupied by them, and during the time of their sitting John Clayton, who declared he spoke the sentiments of the people of Kent County, did, as one of the Commissioners for completing the Court House, in Dover, request to be heard before the House of Assembly, and upon being admitted denied the House of Assembly the use of the chambers aforesaid for holding their sessions, demanding them to be delivered up for the use of workmen employed about the building, in consequence of which, and for the want of proper rooms for sitting in, both Houses have adjourned to Duck Creek Cross-Roads; therefore

Resolved unanimously, That, in the opinion of this General Assembly, the Legislature of this State ought not to be subject to the caprice of any individual in the State, and that it will not be proper for them to hold their sessions in the Town of Dover, and that it be recommended to the Convention of this State, and it is hereby recommended to said Convention, to fix the place of meeting of the Legislature, under the new Constitution, at Duck Creek Cross-Roads, unless the Levy Court of Kent County, or some other proper authority, shall, by an explicit act, appropriate to the use of the Legislature the chambers and office in the said Court House, agreeable to the intention of the Legislature heretofore expressed, and furnish the Convention with said proceedings.

Mr. Tilton reported that he had delivered the message and resolution agreeable to order.

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Mr. Truitt, a member of Assembly, was admitted and presented a bill entitled "A supplement to the act for expediting the collection of the arrearage taxes," passed by the House of Assembly and sent for concurrence, which was, on motion, read.

Mr. McKennan, a member of Assembly, was admitted and presented sundry petitions, signed by a number of the inhabitants of New Castle County, praying an act to incorporate a company for the purpose of cutting and making a canal and lock navigation from the headwaters of the Brandywine Creek down along the same into the Borough of Wilmington, together with the following resolution of the House of Assembly:

IN THE HOUSE OF ASSEMBLY,
FRIDAY, P. M., May 4th, 1792.

WHEREAS it is represented to this General Assembly that a canal and lock navigation on the waters of Brandywine River, extending from Chester County, in Pennsylvania, through part of New Castle County to the Borough of Wilmington, is practicable, and, if executed, would be attended with great advantage to the agricultural and commercial interests of both States, this General Assembly, willing to encourage designs of such public utility, do

Resolve, That ——— be and they are hereby appointed commissioners on the part of this State to view the grounds through which the said canal is intended to pass, and, in conjunction with others on the part of Pennsylvania, to note down the elevations and distances by plot and survey, and to make an estimate of the probable expense, and report their proceedings to the next General Assembly, to whom it is recommended to make an adequate allowance to the said commissioners for their time, trouble, and expense in the performance of the said duty.

Names of the commissioners proposed: William McKennan, Esquire, Mr. James Morris, Mr. John Tennant, Mr. Charles Pope, and Daniel Rodgers, Esquire.

Extract from the minutes. JAS. BOOTH,
Sent for concurrence. *Cl'k Assembly.*

On motion, the foregoing resolution was read and non-concurred in.

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Mr. Robinson, a member of Assembly, was admitted and returned the bill entitled "An act continuing in force an act for the amending and continuing the provisions made in the act entitled 'An act for auditing and arranging the accounts of this State, and for the more effectual settlement of the same,'" with an amendment proposed thereto by the House of Assembly, which was, on motion, read and concurred in.

Ordered that the said bill be now engrossed.

On motion, by special order,

The bill entitled "A supplement to an act entitled 'An act for expediting the collection of the arrearage, taxes, and other purposes,'" was read a second time by paragraphs and passed Council.

Ordered, That Mr. Cooper return the said bill to the House of Assembly; which he did accordingly.

Mr. Tilton laid on the table the following resolution, viz:

WHEREAS a number of the inhabitants of New Castle have, by their petition to this General Assembly, set forth that a canal and lock navigation on the waters of Brandywide River, extending from Chester County, in Pennsylvania, thro' part of New Castle County to the Borough of Wilmington, is practicable, and, if executed, would be attended with great advantages to the agricultural and commercial interests of both States, this General Assembly, willing to encourage designs of such public utility, do

Resolve, That ——— be and they are hereby appointed commissioners on the part of this State, they, or any three of them, to view the ground thro' which the said canal is intended to pass, and, in conjunction with others on the part of Pennsylvania, to note down the elevation and distances by plot and survey, and to make an estimate of the probable expense, and report their proceedings to the next General Assembly, provided that the petitioners make compensation to the said commissioners for their time, trouble, and expense in the performance of the said duty.

Names of the commissioners proposed: Jacob Broom, Joseph Shallcross, Eleazar McComb, William McKennan, and Samuel Hollingsworth, Esquires.

On motion, said resolution was read and agreed to.

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Ordered, That Mr. Tilton wait on the House of Assembly and deliver said resolution, for their concurrence; which he did accordingly.

The committee appointed to wait on his Excellency, the President, delivered the following communication from his Excellency, which was, by order, read:

Gentlemen of the Council:

Your committee have communicated to me a message from your honorable House, desiring to know my reasons for not commissioning the person chosen the last sitting of the General Assembly, as fourth Justice of the Court of Common Pleas for the County of Sussex.

By the 12th section of the Constitution of this State it is declared that the President and the General Assembly shall, by joint ballot, appoint the Justices of the Supreme Court, the Judge of Admiralty, and the Justices of the Courts of Common Pleas and Orphans' Courts. And, in the seventh section of the said Constitution, it is declared that, on the death, inability, or absence of the President from the State, the Speaker of the Legislative Council, for the time being, shall be Vice-President, &c. It is by the joint ballot of the President and General Assembly only that a constitutional appointment of a Justice of the Courts of Common Pleas of the County of Sussex, aforesaid, could, at the last session of the General Assembly, have been made, as no inability on my part, nor absence from the State, could have authorized the exercise of the powers of the President by any other person, agreeable to the provision contained in the seventh section of the Constitution.

The President of the State, where neither inabilily nor absence from the State takes place, is a constituent part of the body constitutionally vested with those appointments, and not being required by the Constitution or any law of this State to be constantly attendant on the General Assembly, ought, I conceive, to have received a notification to attend for the purpose of proceeding to such appointments, and in this opinion I was warranted by the invariable practice of the Legislature on every similar occasion which has occurred since the Revolution.

In the present instance of an election of a person as fourth

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Justice of the Court of Common Pleas for the County of Sussex, although I had been for many days at the place where the sessions of the Legislature was held, and during the whole session was within the State, and exercising the office of President, I never received any notification or information whatever of the intention of the General Assembly to proceed to the said election; and as the said election was made without my knowledge or being present thereat, I cannot but deem it unconstitutional. Under these circumstances I consider myself bound, by the duty I owe to the public in the character of President, and by the solemn obligation of my oath, to refuse to commissionate the person thus unconstitutionally elected fourth Justice of the Court of Common Pleas for the County of Sussex.

J. CLAYTON.

Duck Creek Cross-Roads, May 4th, 1792.

On motion,

Ordered, That Mr. Shankland wait on the House of Assembly and deliver the following verbal message, which he did accordingly, viz:

Gentlemen:

The Council propose to the honorable House of Assembly the meeting of the General Assembly, in the Council Chamber, at 12 o'clock, in order to put in nomination persons out of whom shall be chosen a Justice to supply the vacancy in the Court of Common Pleas in the County of Sussex, occasioned by the death of Peter Fretwell Wright, Esquire; also to put in nomination persons out of whom shall be chosen a Justice to supply the vacancy in the Court of Common Pleas in the County of Kent, occasioned by the resignation of John Clayton, Esquire.

Mr. Maxwell, a member of Assembly, was admitted and returned the foregoing message, and the resolution respecting the adjournment of the General Assembly to Duck Creek Cross-Roads, disagreed to by the House of Assembly, and their resolution respecting said adjournment, which was non-concurred in by Council, adhered to by the House of Assembly.

Mr. Maxwell also presented the following resolution, which was, by order, read, viz:

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IN THE HOUSE OF ASSEMBLY, May 5th, 1792, A. M.

Resolved, That it is the intention of this House to conclude the present session this afternoon at one o'clock, and that a copy of this resolution be sent to the Council for their information.

Extract from the minutes.

JAS. BOOTH, *Cl'k of Assembly.*

On motion, the resolution of Council respecting the adjournment of the General Assembly to Duck Creek Cross-Roads, disagreed to by the House of Assembly, was adhered to, as amended, and the resolution of the House of Assembly respecting said adjournment, rejected by Council and adhered to by that House, was, on motion, still rejected by Council.

Ordered, That Mr. Cooper wait on the House of Assembly and return the last mentioned resolutions; which he did accordingly.

Adjourned for one hour.

SATURDAY, 5th May, 1792, P. M.

Council assembled.

Mr. Many, a member of Assembly, was admitted and returned the resolution of Council respecting the canal and lock navigation, concurred in by the House of Assembly, and the blank was filled up with the names of the Commissioners appointed by the General Assembly.

Mr. Barratt, a member of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, May 5th, 1792.

WHEREAS a vacancy hath happened in the representation of the County of Kent, in the Convention, occasioned by the death of James Sykes, Esq., and it is expedient that the same be supplied by a new election; therefore

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Resolved, That it be recommended to the people of the said County of Kent to hold an election, at the Town of Dover, on Saturday, the nineteenth day of May, instant, for the choice of a suitable person to supply the aforesaid vacancy in the Convention, and that the said election be conducted, carried on, and completed agreeable to the directions prescribed by the General Assembly in the third of their resolutions of the eighth day of September, one thousand seven hundred and ninety-one, for electing deputies to compose a convention.

Ordered, That a copy of the above resolution be furnished to the Sheriff of the said County of Kent, who is hereby directed to give due notice thereof, agreeable to the fourth resolution of the General Assembly aforesaid.

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

On motion, the above resolution was read, considered and agreed to.

Ordered, That Mr. Alexander wait on the House of Assembly and return the said resolution; which he did accordingly.

On motion,

Ordered, That the Speaker do now sign the engrossed bill entitled "An act continuing in force an act for the amending and continuing the provisions made in the act entitled 'An act for the auditing and arranging the accounts of this State, and for the more effectual settlement of the same;'" which he did accordingly.

Ordered, That Mr. Cooper wait on the House of Assembly and deliver them the said engrossed bill, to be signed by the Speaker of that House; which he did accordingly.

On motion,

Ordered, That an order be now drawn on the State Treasurer, and signed by the Speaker of Council, in favor of James Booth, Esquire, for the sum of ten shillings and four pence, for summoning and sending an express to one of the members of Council.

Whereupon an order was drawn and signed accordingly.

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Mr. McKennan, a member of Assembly, was admitted and returned the resolution of Council respecting the adjournment of the General Assembly to Duck Creek Cross-Roads, concurred in by the House of Assembly, and their adherence to the resolution of that House on said adjournment receded from.

Mr. McKennan also presented the following resolution, together with the bills therein mentioned, signed by the Speaker of the House of Assembly, viz:

IN THE HOUSE OF ASSEMBLY, May 5th, 1792, P. M.

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following acts:

1. "A supplement to an act entitled 'An act for expediting the collection of arrearage taxes, and other purposes;' "

2. "An act continuing in force an act entitled 'An act for the amending and continuing the provisions made in the act entitled 'An act for auditing and arranging the accounts of this State, and for the more effectual settlement of the same.' "

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

On motion,

Ordered That the Speaker of Council do now sign the first mentioned act in the above resolution.

Whereupon the Speaker signed the said bill accordingly.

On motion, the above resolution, for affixing the Great Seal, was read, considered and agreed to,

Ordered, That Mr. —— do now return said resolution; which he did accordingly.

On motion,

Ordered, That an order be now drawn on the State Treasurer, and signed by the Speaker, in favor of John White, of Wilmington, for the sum of five pounds five shillings, for making a pair of venetian blinds for forty-light window, agreeable to the direc-

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tion of John Gordon, deceased, for the chamber in the Court House at Dover.

Whereupon an order was drawn and signed accordingly.

On motion,

Ordered, That the Secretary of Council furnish the presiding member of the Convention of this State with a copy of the resolution of the General Assembly respecting their reason for adjourning the present session to Duck Creek Cross-Roads, at or before the next meeting of the Convention, in order that the same may be laid before the Convention.

Council made the following allowances:

To the Honorable George Mitchell, Esq., Speaker, for 6 days' attendance and mileage,	£ 8	4	0
To Nehemiah Tilton, Esq., for 7 days' attendance and mileage,	6	14	0
To Archibald Alexander, Esq., for 5 days' attendance and mileage,	5	5	0
To James Raymond, Esq., for 4 days' attendance and mileage (not charged or order drawn),	0	0	0
To Rhoads Shankland, Esq., for 6 days' attendance and mileage,	6	3	0
To Isaac Cooper, Esq., for 6 days' attendance and mileage,	6	8	0
To Charles Nixon, for 5 days' attendance as Secretary, engrossing, paper, &c.,	5	11	2
To Thomas Wild, for 5 days' attendance as Doorkeeper and bell-ringer,	2	8	9
To James Battell, for the use of the chamber in Dover,	1	10	0
	£42	3	11

Council adjourned to 20th October next.*

* There is no record of a meeting of the Council on the day to which it stood adjourned, a new Constitution having been adopted, in Convention, on the 12th day of June. The manuscript next in order is the minutes of a special session of the Senate, the General Assembly having been convened November 1, 1792, to choose Electors for President and Vice-President of the United States. This session was held in Dover.

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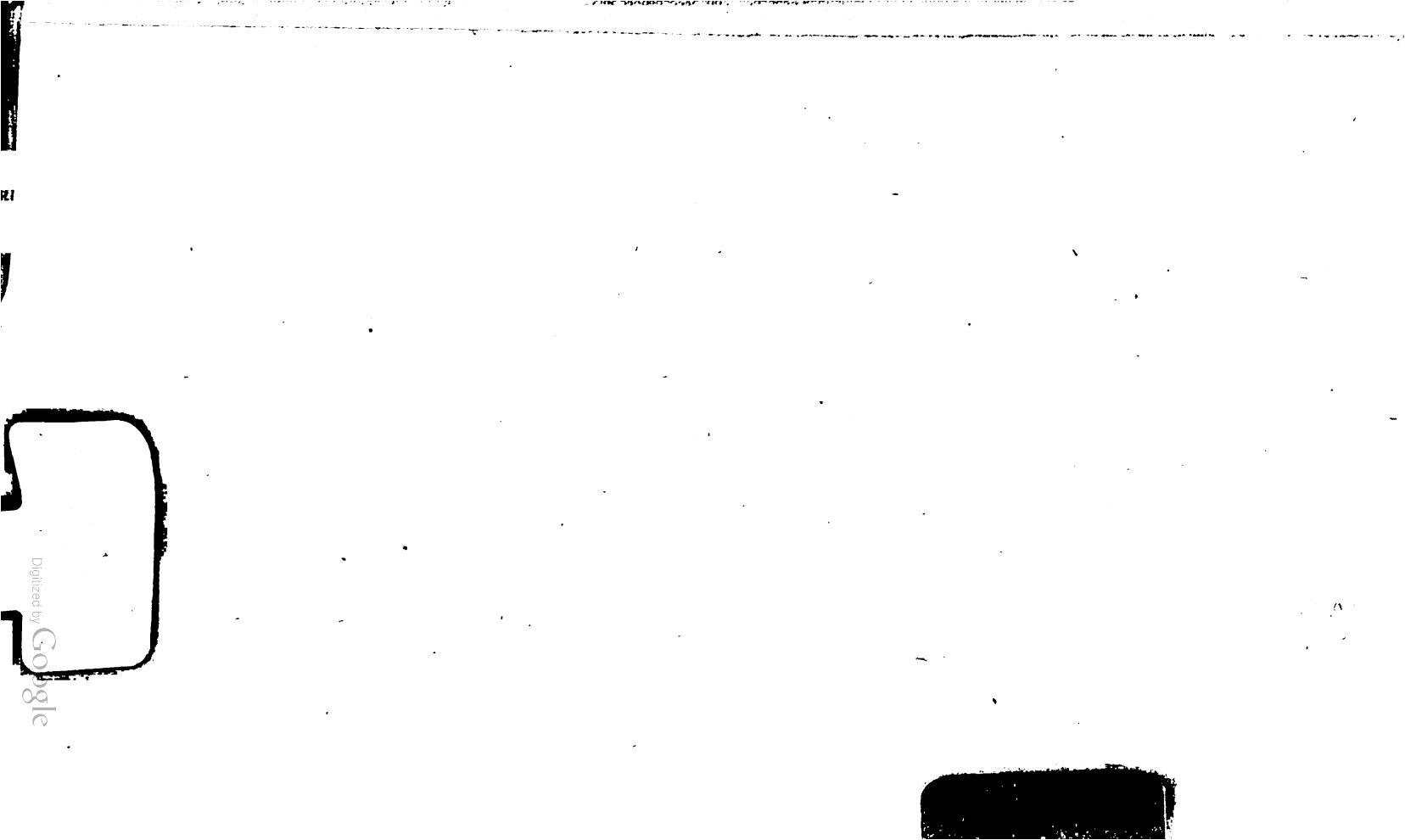
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